

Abstract

Title of Dissertation: VIOLENCE AGAINST WOMEN POLICY AND PRACTICE IN UGANDA — PROMOTING JUSTICE WITHIN THE CONTEXT OF PATRIARCHY

Diane Ruth Gardsbane, Doctor of Philosophy, 2016

Dissertation directed by: Dr. Judith Noemi Freidenberg, Department of Anthropology

The goal of this study was to understand how and whether policy and practice relating to violence against women in Uganda, especially Uganda's Domestic Violence Act of 2010, have had an effect on women's beliefs and practices, as well as on support and justice for women who experience abuse by their male partners.

Research used multi-sited ethnography at transnational, national, and local levels to understand the context that affects what policies are developed, how they are implemented, and how, and whether, women benefit from these. Ethnography within a local community situated global and national dynamics within the lives of women.

Women who experience VAW within their intimate partnerships in Uganda confront a political economy that undermines their access to justice, even as a women's rights agenda is working to develop and implement laws, policies, and interventions that promote gender equality and women's empowerment. This dissertation provides insights into the daily struggles of women who try to utilize policy that challenges duty bearers, in part because it is a new law, but also because it conflicts with the structural patriarchy that is engrained in Ugandan society.

Two explanatory models were developed. One explains factors relating to a woman's decision to seek support or to report domestic violence. The second explains

why women do and do not report DV. Among the findings is that a woman is most likely to report abuse under the following circumstances: 1) her own, or her children's survival (physical or economic) is severely threatened; 2) she experiences severe physical abuse; or, 3) she needs financial support for her children.

Research highlights three supportive factors for women who persist in reporting DV. These are: 1) the presence of an "advocate" or support 2) belief that reporting will be helpful; and, 3) lack of interest in returning to the relationship.

This dissertation speaks to the role that anthropologists can play in a multi-disciplinary approach to a complex issue. This role is understanding – deeply and holistically; and, articulating knowledge generated locally that provides connections between what happens at global, national and local levels.

VIOLENCE AGAINST WOMEN POLICY AND PRACTICE
IN UGANDA — PROMOTING JUSTICE WITHIN
THE CONTEXT OF PATRIARCHY

By

Diane Ruth Gardsbane

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Advisory Committee:

Professor Judith Noemi Freidenberg, Chair
Professor Lynn A. Bolles
Professor Janet Chernela
Dr. Sheila Dauer
Professor Sangeetha Madhavan
Professor Michael Paolisso

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Dedication

With love to Paul Sully, my life partner of 35 years,
who sacrificed the most, and supported me throughout

In memory of my parents, Hyman and Salome Gardsbane,
who inspired lifelong learning and the pursuit of social justice,
and who would have been proud

With love to my daughters and their partners,
Alicia & Pedro, Naomi & Peter
and, to Gray Jacob, my precious first grandchild (“*muzukulu*”)

To my sisters and their families,
Karen, Bob, Zena and Hagen & Arlene and Miriam,
for their support throughout, and understanding when I couldn’t be present

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- Paul Bukuluki, PhD, Makerere University

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List of Abbreviations

| | |
|---------|--|
| AIDS | Acquired Immune Deficiency Syndrome |
| AU | African Union |
| CAP | Africa Common Position |
| CBO | Community-based Organization |
| CD | <i>Corps diplomatique</i> , diplomatic corps |
| CEDAW | Convention on the Elimination of all Forms of Discrimination Against Women |
| CEDOVIP | Center for the Prevention of Domestic Violence |
| CFPU | Child and Family Protection Unit |
| CSO | Civil Society Organization |
| CSW | Commission for the Status of Women |
| DPC | Deputy Police Commissioner |
| DPP | Directorate of Public Prosecutions |
| DRB | Domestic Relations Bill |
| DV | Domestic Violence |
| DVA | Domestic Violence Act |
| DVC | Domestic Violence Coalition |
| FBO | Faith-based Organization |
| FIDA | Uganda Association of Women Lawyers |
| FOWODE | Forum for Women in Democracy |
| FVPSA | Family Violence Prevention and Services Act |
| GBV | Gender-Based Violence |
| GOU | Government of Uganda |
| HIV | Human Immunodeficiency Virus Infection |
| HRD | Human Rights Defender |
| ICC | International Criminal Court |
| IPV | Intimate Partner Violence |
| JLOS | Justice, Law and Order Sector |
| LC | Local Council |
| LG | Local Government |
| MDG | Millennium Development Goal |
| MGLSD | Ministry of Gender, Labour and Social Development |
| MP | Member of Parliament |
| NGO | Non-governmental Organization |
| NRM | National Resistance Movement |
| NRM/A | National Resistance Army/Movement |
| OC | Officer in Charge |
| PCA | Penal Code Act |
| PO | Protection Order |
| POMA | Public Order Management Act |
| PS | Permanent Secretary |
| RDC | Resident District Coordinator |

| | |
|--------|--|
| RSA | Resident State Attorney |
| RV | Raising Voices |
| SA | Sexual Assault |
| UDHS | Uganda Demographic Health Survey |
| UGX | Ugandan shillings |
| UN | United Nations |
| UNECA | UN Economic Commission for Africa |
| UNFPA | United Nations Population Fund |
| UPF | Uganda Police Force |
| USAID | United States Agency for International Development |
| UWONET | Uganda Women's Network |
| UWOPA | Uganda Women's Parliamentary Association |
| VAM | Violence Against Men |
| VAW | Violence Against Women |
| VAWA | Violence Against Women Act |
| VVF | Vesicovaginal Fistula |
| WHO | World Health Organization |

Chapter 1: Introduction

Even if you are a woman and you built your building and you decide to bring a man in that building, he can leave you and they can still say that that home belongs to that man who is coming out of that house. For that reason, men are given authority and we shall never be like them - that is what I think.

– Agnes, age 28

Marriage is a curse that a woman must [do] (laughing). No matter how much I would [try to] stay out [of marriage] – still I would get married. ...Every woman's dream is to get married and to have children, of course, and to be with a husband. I don't know why. It's a curse that a woman will leave her parents' home and go to a man's home. ...That is how it is. ...

– Gloria, age 24

This chapter provides an introduction to the rest of the dissertation in the following sections: Overview, Purpose of the Study; Problem Statement – Violence against Women; Why Uganda?; Guiding Questions and Assumptions; Introduction to Research Sites; and A Note about People and Places.

Overview

This dissertation is about women living in Uganda, who daily, consciously and unconsciously, navigate both traditional and shifting gendered norms that continue to promote male privilege and power, and often lead to domestic violence within their intimate partner relationships. The stories women shared with me highlight the varying ways that women think about their gendered roles and identities, particularly relating to violence against women (VAW) in intimate partner relationships; and, how, and whether, they know about and practice their legal rights. In my research, I was interested in the extent to which global, national, and local community policies and practices relating to women's rights and gender equality, especially Uganda's Domestic Violence Act of

2010, have had an effect on women's beliefs and practices, as well as on support and justice for women who experience abuse by their male partners.

Multi-sited ethnographic research provided the basis for understanding the context within which actors who are engaged with policy and practice at global, national, and local levels work – a context that ultimately affects what policies are developed, how they are implemented, and how, whether, and which women benefit from these.

Ethnography within a local community situated these global and national dynamics within the lives of women, and generated the ethnographic knowledge that can be used to promote improved policy and practice.

Purpose of Study

The primary objective of my research was to generate ethnographic knowledge that can support efforts to improve VAW policy (legal frameworks) and practice (prevention and response strategies and interventions). Women who experience VAW within their intimate partnerships in Uganda confront a political economy that undermines their access to justice, even as a women's rights agenda is working to develop and implement laws, policies, and interventions that promote gender equality and women's empowerment. This political economy is influenced by Uganda's history, which is marked by colonialism and post-colonialism; and international and national influences on the contemporary nation. State policy, under President Museveni, includes a record of promoting gender equality, but also supports an environment of entrenched patriarchy; sexualized political spaces; patronage politics; increasing government militarism;¹ and pervasive corruption.²

¹ Militarism in this context refers to a political ideology of government power.

Among the findings of my research is that for individual women, the injustice of gender inequality is juxtaposed with needs to survive, as well as to maintain relationships in families and communities. Yet, when survival is at stake, or when children are at risk, women may forego the disciplining factors that constrain decisions to seek support and justice.

This dissertation speaks to the role that anthropologists can play in a multi-disciplinary approach to solving an extraordinarily complex issue. This role is understanding – deeply and holistically; and, articulating knowledge generated locally that provides palpable connections between what happens at global, national and local levels. Women’s narratives provide links to make these connections. In my concluding chapter I make suggestions about how this knowledge can be used to feed back into the global and national dialogue where decision making, which affects women at local levels, is made.

Problem Statement – Violence against Women

Violence against women (VAW) is a global and highly complex phenomenon that challenges policymakers, justice systems, service providers, community leaders, activists, families, and individuals concerned with prevention and response of it. Globally, there is wide variation in the prevalence of VAW, both between countries and even within countries that have marked differences based on region or even neighborhood. Surveys report a global range of 4% to more than 40% of populations reporting “partner violence” within the past 12 months, with higher rates for lifetime occurrence (European Union

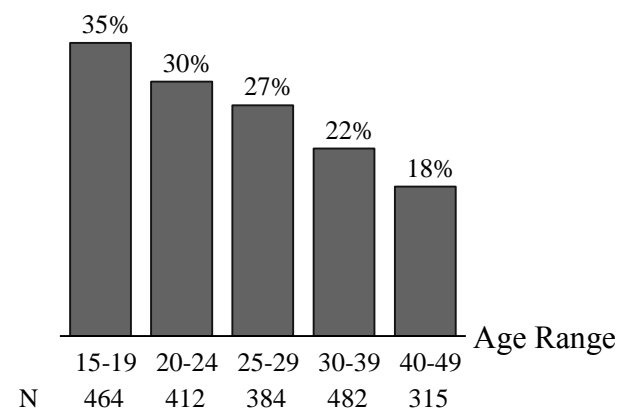
² These factors have been the topic of all of the policy related dialogues I have attended with women parliamentarians and civil society, as well as women’s movement meetings.

Agency for Fundamental Rights 2014; García-Moreno, et al. 2005; Heise and Kotsadam 2015).

VAW in Uganda

The 2011 Uganda Demographic Health Survey (UDHS) reported that 56% of all women ages 15-49 have experienced physical violence at least once by a current or former spouse, and 27% experienced physical violence in the last year from a spouse. Women who live in rural areas

Figure 1: Women who experienced physical violence by age in last 12 months (UBOS/ICF 2012:243)



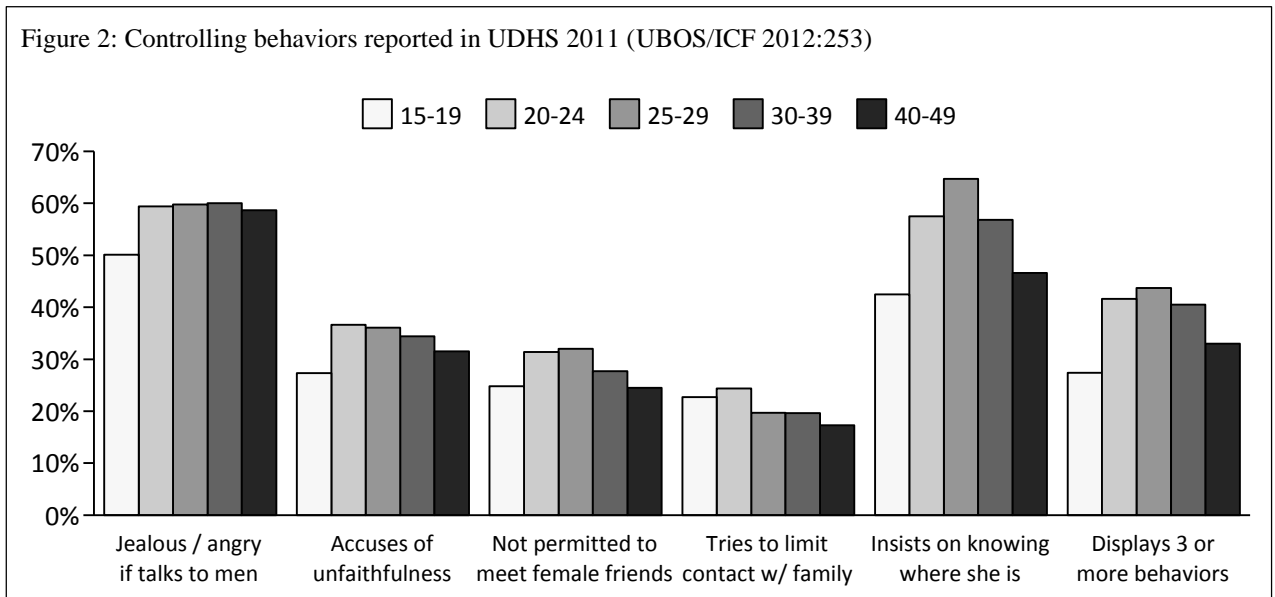
were more likely to have experienced physical violence “often” or “sometimes” in the past year (29%) than those living in urban areas (19%) as reflected in Figure 1.

Younger women had the highest rates, with average rates across the country peaking at 37% for 15-19 year olds and a steady decrease as women age, down to 18% for women in their 40s.

The UDHS also asked women questions to determine the degree to which husbands display controlling behavior, using the following indicators (Uganda Bureau of Statistics and ICF International Inc. 2012:252-253):

- 1) is jealous or gets angry if she talks to other men,
- 2) frequently accuses her of being unfaithful,
- 3) does not permit meetings with female friends,
- 4) tries to limit contact with her family,
- 5) insists on knowing where she is at all times.

Unlike physical abuse, controlling behaviors seem to increase with age. The three behaviors women reported the most are displayed in Figure 2. Twenty-seven percent of 15-19 year olds and 44% of 25-29 year olds report that their husbands display three or more of the five behaviors asked about.³



Terminology

My focus in this dissertation is on VAW within the context of intimate partner violence, ages 18 and older, including physical, sexual, emotional, and/or economic violence, perpetrated by a male partner. Statistically this is most prevalent form of intimate partner violence (García-Moreno, et al. 2005; USAID 2012; World Health Organization and London School of Hygiene and Tropical Medicine 2010). However, I also utilize terminology found in global and national policy documents, strategic plans, and programming.

The term “gender-based violence” (GBV), a gender-neutral term, is possibly the most widely used, even though there is international consensus that gendered violence

³ These may be any of the five behaviors queried, not only the three that I report on in the graphic.

primarily affects women and girls. While meant to expand an understanding of the relational aspect of VAW, for some this usage addresses the global backlash at what is perceived as not giving sufficient attention to violence against men within intimate partner relationships. Violence against men (VAM) does occur as domestic violence, but at much lower rates. Most importantly, the dynamics of VAM within heterosexual relationships typically lack the coercion, control, and power dynamics of VAW, and most incidents of VAM occur after a woman has suffered many years of abuse by the man (Dasgupta 2002; Pence and Dasgupta 2006; Stark 2007). GBV has been defined as violence “directed at an individual based on his or her biological sex, gender identity, or perceived adherence to socially defined norms of masculinity or femininity” (Khan 2011). It includes a wide range of gendered violence including sexual, physical, emotional, and economic; structural discrimination; female infanticide; honor killings; human trafficking; rape of both sexes within conflict, and violence targeting sexual minorities, including homosexual men (Manjoo 2010).

Domestic violence (DV) can refer more narrowly to an intimate partner, or more broadly to any member of a family. Intimate partner violence (IPV) refers to violence between intimate partners of any sex.

A Global Issue

It has been widely accepted for many years that the causes and consequences of VAW are rooted in gender inequalities (García-Moreno, et al. 2005; United Nations Secretary General 2006) that are produced and maintained within global, national and local institutions, religious text and liturgy, political ideologies, and deeply-held social norms and values. A recent study, which statistically analyzed population data from 66

surveys in 44 countries to identify associations between various macro and micro factors, also provides evidence to this assertion (Heise and Kotsadam 2015). This highly complex issue continues to challenge the many actors engaged in work to prevent and respond to VAW within diverse contexts around the world.

Decision making – about what policies to adopt; how to implement these; how much money to allocate to the issue; what types of programs to implement; and in what geographic areas within a country – is determined by an array of actors with multiple agendas. These actors include donors, United Nations (UN) actors, policy makers, government officials, service providers, non-governmental organizations (NGOs), faith-based (FBOs) and community based organizations (CBOs), community leaders, and community members. Agendas include political, economic, health, social, religious, and rights-based.

Global attention to VAW has grown exponentially over the past three decades, as it was understood as an issue that affects not just individual women, but communities and nations. United Nations (UN) international women's rights conferences supported the growth of national women's rights movements in countries around the world, and the international human rights treaties and laws that governments have signed, sometimes under political pressure, supporting women's rights have spawned national laws. The discourse used to promote an urgency to action includes framing violence against women as affecting society in various ways, including:

- as a human rights and social justice issue (Alyson and Dauer 2001; Dauer 2006; Dauer and Gomez 2006; Merry 2006a; United Nations General Assembly 2007; United Nations Secretary General 2006);

- as a public health imperative (Asling-Monemi, et al. 2003; Campbell, et al. 2004; García-Moreno, et al. 2005);
- as a major driver of HIV (Dunkle 2004; Ertürk 2005; Guedes 2004; Harvard School of Public Health and Leadership 2006; Maman, et al. 2002); and,
- as an economic issue with direct costs (health, legal, justice system), as well as indirect costs to national development (Duvvury, et al. 2004; International Center for Research on Women (ICRW) and UNFPA 2009; Irish Joint Consortium on Gender Based Violence 2009).

The publication of evidence pointing to gender equality as a major factor in supporting national economic development and achievement of Millennium Development Goals made GBV a pressing topic for donors, governments, and implementing partners in the 2000s. Discourse citing the importance of “gender equality and women’s empowerment” is embedded within strategic plans of donors, UN agencies, and governments (Irish Joint Consortium on Gender Based Violence 2009; Malhotra and Schuler 2005; USAID 2011; USAID 2012; World Bank 2011). As an example, USAID’s current policy framework cites evidence relating to improved economic growth, management of resources, and food security as a rationale for making gender equality and female empowerment a lead operational principal for achieving and measuring development objectives (USAID 2011:11). And, the UN Secretary-General Ban Ki-Moon’s campaign “UNiTE to End VAW” 2008-2015 included objectives that by 2015 every country would have passed laws, created multi-sectoral national action plans, and improved data collection relating to VAW.⁴

⁴ <http://endviolence.un.org/about.shtml>

Why Uganda?

During my research, I often heard statements that made assumptions that “white people,” or “Westerners” somehow did not have domestic violence or infidelity in relationships. These statements came from people from across the educational spectrum. Activism against domestic violence (DV) and sexual assault (SA) did not begin until the 1960s in the US, and by the 1970s women had organized in most states to provide shelter and support to women who reached out for help. The Family Violence Prevention and Services Act (FVPSA) was first authorized in 1984 to provide needed funds to domestic violence and rape crisis programs; and the landmark Violence Against Women Act (VAWA) was first passed in 1994. Together, FVPSA and VAWA provide federal funding to DV and SA programs; restitution to survivors; training for justice and other sectors; and requirements that specific agencies address domestic and sexual violence. VAWA has been reauthorized several times, each time widening its scope. In 2015 both Acts also address dating violence and stalking, and VAWA now includes a focus on college campuses.

Yet, notwithstanding dedicated funding, world leadership in promoting gender equality and women’s empowerment, sophisticated technology and communications, mandated training for the justice sector, and more, women of all socio-economic, religious, ethnic, and age categories continue to be beaten and killed by their intimate partners in the US; women in abusive relationships continue to report shame and embarrassment; reports of DV and SA are still estimated at a fraction of real incidence; and acts of domestic violence by those in the public eye continue to be swept under the carpet.

I insert this aside for two reasons. First, to signal that despite a rich history of 50 years of work to address DV, and at least some budget, researchers, policy makers and practitioners still do not know what works to prevent DV or how to ensure that women experiencing DV get the help they need. Second, to alert readers that my decision to conduct research in Uganda, East Africa, in no way implies that I could not have done this study closer to home. Indeed, as anthropologists, often our near-vision is sharpened by using our distant-vision.

I conducted my research in Uganda because I had the opportunity, through my husband who took a job with Peace Corps Uganda, to live there for an extended period. It turned out to be an excellent location for my study, however, this research could have been done in any country in the world. I am hopeful that what I have learned in Uganda will serve future work in the US, as well as in the region where my research took place.

Guiding Questions and Assumptions

As could be expected of any ethnographic study, I started my research with slightly different objectives and questions than I ended with. I went into the research believing that the power and inequalities that exist among and between the various actors at international, national, community and local levels, would be of primary importance in understanding the political economy of VAW policy and practice in Uganda. In addition, I had anticipated learning far more about the actual implementation of the Domestic Violence Act, when in fact the implementation of the Act was very nascent.

Questions related to both of these points remain important, and were significant parts of my research. What I did not anticipate is the significance of the patriarchal structural inequality that continues to exist in Uganda at every level, and the barriers this

presents for all women – from Members of Parliament, to women working with NGOs, to women living in Kyegwelede.⁵ My study sought to understand how women negotiate VAW within this structural inequality. Thus, my overall focus did not change.

My overarching question was: *Using the Domestic Violence Act of 2010 as the case study, what is the political economy of VAW policy and practice in Uganda, and who is benefiting and who is not, and with what affect?* My use of the term “political economy” in this study refers to an analysis of how power and inequality intersect with transnational and national politics and histories; institutional structures; socio-cultural; economic, and, other factors, to affect decision-making relating to VAW policies and practices, as well as who benefits and who does not (Gunewardena and Kingsolver 2007b; Wies and Hildane 2011). Questions that guided my research include:

- 1) What are the power dynamics within institutions and among actors that affect the development and implementation of “policy,” and “practice” addressing VAW in Uganda?
- 2) How does policy and practice relating to women’s rights and the DVA affect how women perceive VAW in relation to their own gendered identity, and, the choices they make when affected by VAW?
- 3) How can this study generate recommendations that will improve effectiveness of processes used to design and implement VAW policy and practice, in Uganda, the region, and globally?

⁵ Kyegwelede is the pseudonym I gave for the local community where I conducted research.

Introduction to Research Sites

My research took place in multiple sites, which are described in more detail in Chapter 3. These sites were primarily within Kampala, which is the capital of Uganda and where central government and many NGOs are based. This is where over a period of about 16 months I got to know actors at a national and local levels. At the national level this comprised women and men who represent donors, government agencies, United Nations (UN) agencies, international and national non-governmental organizations (NGOs). I had a particularly close relationship with staff of the Center for the Prevention of Domestic Violence (CEDOVIP), a well-known and highly respected national NGO. CEDOVIP was an invaluable partner throughout my research – staff provided introductions to stakeholders; access into “insider” spaces; supported my selection of the study site and provided key introductions there; and, acted as partners in reflection.⁶

I rented a house in a low-income, highly populated, urban community in Kyegwelede Village (pseudonym), in Kipapali (pseudonym) Parish, in Kampala Division for several months. My involvement in the community extended over a year. In Kyegwelede, I got to know many women, community leaders, and I associated with a community based organization (CBO) operating a paralegal project that provided legal advice to women and educated residents about women’s rights. In addition, for over a year I was engaged in the life of Jane and her family, who live an hour outside Kampala in a semi-rural area, and whose court case was the only one I knew about that was actually utilizing the Domestic Violence Act.

⁶ My relationship with CEDOVIP added another level of bias to my own activist perspective.

Confidentiality and Anonymity

To protect the anonymity of people who talked to me during my research, I created pseudonyms for individuals and for the community where I lived, unless otherwise noted. In addition, in a couple of cases I disguised professions or businesses by giving a person a profession of relatively equal social status. I chose not to name the CBO in Kyegwelede, although the group did not mind being known, because it might reveal other identities. I am also not naming legal aid agencies.

While Kyegwelede Village and Kipapali Parish are both pseudonyms, the site was located in Kawempe Division (not a pseudonym) in Kampala.

Chapter 2: Theoretical Framework

Prologue

Rita, a 42-year old Muganda from Masaka District, who lives in one of the slum areas of Kyegwelede, related some of her life story to me over several hours.

Rita's Story

Rita is a somewhat slight woman by Ugandan standards, and has a bright face and smile that belies the pain I think I can still see in her eyes once I know her story. She was raised by her grandmother in a rural village in Masaka District west of Kampala who Rita worked with on a sweet potato plantation where workers were paid to plant, harvest, and pack potatoes for markets. Rita saved her own money to pay for a confirmation class at the Catholic Church, which she says gave her the “*little reading and writing skills*” she has today. Her grandmother died and she was brought to her father, but her stepmother despised her. She went to live with her uncle, but would visit her father from time to time. She went to her father's for her cousin's marriage celebration. The groom's family had brought the bride price and the “introduction ceremony” was about to take place. When her cousin refused the marriage, the stepmother said, “*You just replace her with that one*” [Rita]. They found an aunt to act as her *ssenga*⁷ and that day Rita, at the age of 14, was married. She said:

They told me you have to get married to this man, there is no way out for you! Actually that is where I learnt things [sexual, from the *ssenga*] I got pregnant, the man was very poor and they took me in a banana plant[ation]...and that is where I gave birth from...I had two old women who were my birth attendants, so they told me to push, push and I didn't know anything and at the end the child didn't

⁷ Discussed in more detail in Chapter 5, a *ssenga* is a sister of a girl's father, who is supposed to provide sexuality education from puberty; negotiate the first introduction of a potential husband to the family; and provide relationship advice throughout a woman's life.

come out, and by the time they hurriedly got a motorcycle to take me to ____ hospital, the child was already dead. So in [hospital] they used machines to take out the child...I think I spent there like three days while they had inserted a big gauze in me...

[back at her husband's]...my condition worsened, I started leaking puss... Now people started saying that that child will die from here - take her back to her father! ...so they got me and took me to my father, they threw me there in the sitting room. But still those things [puss] were coming out of me, I was smelling, I was unpleasant...

Eventually her father took her to her *ssenga's*, who said they must go to a hospital. At the hospital, they found that the gauze was still inside her. They put her on a "*drip*" and catheterized her so that she could heal. She got better so they removed the catheter and sent her to her father's home. However, she was having "*water run out*" constantly. Initially she thought the problem would be okay, because without the infection she did not smell as bad as before. She later realized it was her urine that was just "*passing through*."

So they took me out of the house and they first put me in the outside kitchen for a little while and also they got fed up of me that what type of person that can't die! Like you know people get fed up. So they also took me from there and I realized I no longer have a relative or friend, they were all fed up of me... They lifted me and took me to the coffee plantation...I used to spend the days there, when they cook food, they could give [it] to a child, that 'take for her' that she will eat with the pigs...I was [still] sleeping in the small kitchen outside, but time came they also took me out of it, and they told my brother to go to the bush to pick some sticks that they could build for me a hut. He built for me a hut like the ones they build in last funeral rites ceremonies, they use reeds and dry banana leaves. So, I lived there, but after two days while living there, there was a rain downpour, I braved it in the corner. Actually I had become garbage to them...the rain poured on me. Now the other clothes I used to tie down had burnt me, and my buttocks were in bad shape with a lot of wounds. I was in a very bad shape but God is almighty. ...My auntie...she asked my father, by the way, how is the child, then he told her that she is over there in the hut. So, *ssenga* brought *loyse* [a type of Vaseline], so she gave me some on a dry banana leaf and said whenever you use this Vaseline you could get some relief.

Finally, someone in the village told Rita that her real mother was still alive and offered to reunite them. Her mother, and siblings she did not know she had, took care of

her “*like she was a baby*.” Later she was connected by an uncle to a special program at Mulago Hospital in Kampala, for women with vesicovaginal fistula (VVF).⁸

This part of Rita’s life was in 1991, during Museveni’s administration, but before the new constitution that began to give women legal rights. The program connected Rita with a network of women survivors of VVF who lived in the hospital for a year together, taking care of each other as each had surgery, cooking, learning income-generating skills, and gaining self-respect and empowerment.

Rita’s story does not stop here. After surgeries to repair the fistula, she stayed with an auntie in Kampala who helped her find a job in one of the large markets in Kampala. She met a man who introduced himself to her *ssenga*, and brought some bride price, but never the promised church marriage. Rita eventually had children with him, although of five additional pregnancies only two children survived. Her husband never knew of the VVF, although at one point during her pregnancies she almost died from a related complication.

Rita explained how she saved money to build their home and to protect herself as a woman who knows that one day her husband would have other women. If her husband gave her 2000 shillings [~\$0.75] in a day, she spent only 500, cooking with little charcoal and eating little, and put away the other 1500 without his knowledge. Friends told her how to be cunning, by telling him she had to have food that costs slightly more while pregnant so that she could save even more. Rita said her husband was “okay” in the beginning, but at the same time she said he was lazy, often did not provide support to her

⁸ A fistula is an abnormal permanent passageway that connects two internal organs or an organ and the outside of the body. A vesicovaginal fistula (VVF) is a type of obstetric fistula that connects the bladder and the vagina, allowing the continuous involuntary discharge of urine into the vagina. More information is at: <http://emedicine.medscape.com/article/267943-overview>.

and the children, argued with her, and isolated her from other people. He eventually infected her with HIV, and then abandoned her for another woman. Later he tried to gain custody of their children and throw her out of the home, which she had constructed with the money she had saved, by going to the community Chairman and saying untrue and negative things about her. She called her brothers and father to come help defend her position. The Chairman referred the case to legal aid, which in 2011, the same Chairman told me was much more effective than in 2014. The legal aid provider negotiated a settlement with her husband that allowed Rita to keep the house and custody of her children. Rita says he still sometimes “*bothers*” her, but for now, she is able to run her small business at her home and to survive.

Rita says she was able to pursue her rights because she was empowered by her experience with the VVF support group and with an NGO where she first tested for HIV, and with her work with the local CBO that promotes women’s rights. She also stressed that throughout she had God.

The severe abuse connected with Rita’s life as a child bride is unique among the stories I heard, although several women had children at the same age, and early marriages continue to be an issue in Uganda. The second part of Rita’s story, only summarized here, is more typical of the narratives of other women I interviewed. Themes of Rita’s experiences repeat in varying ways throughout my research. These include a patriarchal kinship and social structure that separated Rita’s mother from her early in her life when her parents separated, because children “belong” to the father’s lineage. The same social structure renders girls as “property” that can be exchanged for bride price, and here, forced Rita into an early marriage. Rita’s story involves a context of poverty, which is a

factor in the practice of early marriage, and is in part a product of global economic policies. The complicity of Rita's stepmother with customary practices that disadvantage girls and women can be understood within a context of "dispositions" that "naturalize" social hierarchies and injustices, as does Rita's characterization of her second husband as treating her "okay" (Bourdieu 1999). Rita embodies enormous pain and suffering that later support her empowerment. She learned through exposure to NGOs and women rights advocates to protect herself economically, even in marriage, and to anticipate her husband abandoning her. Yet, within a patriarchal society, she must rely on her father and brothers to support her against her husband at the local council court as a first step in accessing justice. This also speaks to boy preference, to ensure there are sons who will protect you, and brothers to protect your daughters.

Overview

Rita's life story provides a case to address my research question within a theoretical framework.

My research contributes to both the anthropological literature and the interdisciplinary literature on gender-based violence. I promote a holistic analysis that embraces the complexity presented by VAW, and that contributes to theory about factors that constrain, as well as support, women's ability to use policy to access justice. While there is a growing body of literature on specific aspects of my topic, including work by anthropologists (Hautzinger 2007; Lazarus-Black 2007; Merry 2003; Merry 2006a; Santos 2005), my work addresses lacunae in the global as well as local Ugandan evidence base.

Several anthropological studies that look at aspects of women's access to justice are focused in settings where women are already reporting or receiving services for domestic violence – in police stations (Hautzinger 2007; Santos 2005), courts (Lazarus-Black 2007), and shelters, or other intervention settings (Wies and Hildane 2011). Sally Engle Merry's research (2006a) examines more broadly the political economy of policy and practice focusing primarily on NGO practitioners – the “middle” level that inspired my multi-level approach to policy, practice, and the individual. Research outside of anthropology relating to help-seeking for domestic violence point to the issue's highly contextual nature (Liang, et al. 2005). I have not located any ethnographic literature that addresses this topic in Uganda.

In the remainder of this chapter, I contextualize my research within the anthropological literature; provide a summary of my own research perspective; and, discuss some of the theoretical constructs that supported my understandings during research and analysis.

Anthropological Literature on GBV: An Overview

Although anthropologists have long been engaged in the study and debate of issues relevant to gender-based violence, prior to the last decade only a few anthropologists focused specifically on GBV. Significant early studies include Peggy Reeve Sanday's cross-cultural study on rape (1982) and rape culture on college campuses (1996), and a cross-cultural study on family violence using data in the Human Relations Area Files (Levinson 1989), producing theories about what causes or prevents family violence. The latter research identified factors that prevent family violence include shared decision making over domestic affairs, shared control over products of labor, non-violent

male systems of settling disputes, and the existence of consequences for battering (Levinson 1989:103) notably relevant to policy development in Uganda. Of literature more than 10 years old, there is one anthology of ethnographic accounts (Counts, et al. 1999 [1992]) and two narrative ethnographies (Eber 1995; McClusky 2001) that deal explicitly with GBV. Two older publications touch on the topic (Erchak 1984; Levinson and Ember 1996).

There is a growing body of literature relating to GBV by anthropologists, although it is still small compared to many other topics. Research includes ethnographic analyses of human rights and GBV (Dauer and Gomez 2006; Merry 2006a; Merry 2006b); legal, court and justice processes (Hautzinger 2007; Lazarus-Black 2007; Santos 2005); intersections of micro and macro politics with gender identity, performance, and subjectivity (Plesset 2006); the violence of forensic care for rape victims in New York City (Mulla 2014); a cross-cultural perspective on various forms of GBV (Merry 2009); the role of gendered social norms in prevention of GBV (Lundgren 2014); an edited volume on the development of “practice” within the context of transnational discourse, state politics, local culture, and individual women (Wies and Hildane 2011); and, articles about how applied anthropologists research, theorize, and promote practice related to GBV (Wies and Hildane 2015).

In addition, feminist and medical anthropologists address a range of issues relating to GBV including the gendered impact of globalization for women (Bolles 1996; Gunewardena and Kingsolver 2007a); gender inequity and gender norms in the HIV epidemic (LeClerc-Madlala 2001; Niens and Lowery 2009); relationships between the body, power and health inequities (Nguyen and Peschard 2003; Parker 2001); analyses

that incorporate the intersections of human rights, gender, sexuality and power (Adelman 2008; Farmer 2004; Hodgson 2011b; Parker 2012). My research also builds on the anthropology of policy and human rights (Chernela 2005; Freidenberg 2000; Goodale 2009; Hodgson 2011b; Speed 2006).

Political Economy of Violence Against Women Policy and Practice

A political economy of domestic violence situates domestic violence within cultural-historical context to reveal the intersection between domestic violence and (1) the organization of the polity, (2) the arrangement of the economy, and (3) the dominant familial ideology expressed normatively through state policies. (Adelman 2004:45)

As an anthropologist, I understand political economy as a theoretical perspective that integrates economic and political systems with social actors. This framework situates local-level tensions over access to resources, material and social support, and power structures within political and economic policies. (Wies 2011:4)

The question of how the political economy of violence against women policy and practice in Uganda affects women in local communities was central to my research. To the extent possible within the time available to me, I wanted to understand how power dynamics – inherent in transnational and national policy and practice; government and donor economic and political priorities; institutional and social structures; and, religious and social norms – affect the development and particularly the implementation of VAW policies and practices. Finally, I wanted to know how this political economy affects individual women’s decision-making relating to domestic violence in their lives.

Political economy theory gained wide popularity within anthropology in the 1970s, and was largely grounded in variations of Marxist theory (Roseberry 1988; Wolf 1982). In 2015, signatory features of a political economy perspective is a focus on a dynamic relationship between the “global” and the “local,” and the role of macro-level policies and economics, and power, in inequalities that play out on local levels and in

individual lives. In the remainder of this section, I review some of the work that my research builds upon.

Sheila Dauer (2006) and Sally Engle Merry (2006a) documented the role of UN women's conferences and human rights conventions in establishing transnational and national women's movements to address violence against women. Merry's work extends this analysis to articulate the role of "elite" NGO activists that includes translating "up" to policymakers and "down" to local communities (Merry 2006a). This work was significant in shaping my initial research questions.

A volume edited by Mark Goodale and Sally Engle Merry (2007) provides examples of anthropological and interdisciplinary approaches to understanding the practice of a range of human rights agendas in countries around the globe. In the introduction the authors address the conundrum of describing the evolution of human rights discourse in the space between "global" and "local," presenting their arguments for maintaining an admittedly dyadic relationship, which is in fact more complicated and less hierarchical than implied (2007:22-23). This challenge is ever-present in my own analysis and writing, as I became aware of the multiple layers that are implied by the notion of "local" in anthropological discourse. I include "national" and "local community" as "local" in some contexts, while ensuring a distinction between these and others.

Cecelia Macdowell Santos, a feminist Brazilian sociologist, conducted research on the world's first all women police station that opened in Brazil, contextualizing this response of the state within transnational, national and local politics. Santos argues Santos argues for a methodology that looks at both macro- and micro-level factors to examine processes that occur when the state takes on legal responsibilities for acts of

violence against women, including analysis of often contradictory, but also overlapping roles of civil society and the state, and how these dynamic processes have shaped the gendering of individuals and their citizenship. Among the observations Santos makes is that, within the context of Brazil, gender alone is not a sufficient construct to understand, and predict, how and whether women police will make a difference in the pursuit of justice by women who experience gender-based violence (Santos 2005).

Mindie Lazarus-Black, an anthropologist who has studied domestic violence law in the Caribbean since the 1990s, examines what a domestic violence law can, and cannot do, and how laws contribute to women's empowerment, gender equality, and protection for women. Her work looks at the power-laden aspects of law and legal proceedings, showing how domestic violence legislation can be used as a tool that both reinforces and challenges hegemony. She highlights "the conscious and unconscious manipulation of time by various players in the criminal justice system" and "cultures of reconciliation" that stymie legal justice for women taking DV cases to courts (2007:137, 140). Lazarus-Black coined the term "court rites" for what she calls the "repetitive" acts that function together to "perpetuate domination" and to thwart women's agency. She names twelve practices that include: giving instructions; intimidation; delegitimizing; legalizing; humiliation; euphemism; objectification; extraprofessional and erroneous professional advice and ill-treatment; silencing; judicial discretion; second chances; and, unenforced enforcement (2007:99-113). Many of the same dynamics are present in Uganda although in different configurations because so few women reach courts, and almost none use the DVA, in comparison to Trinidad in the 1990s.

Dorothy Hodgson has been involved in various studies of the Maasai in Tanzania from the mid-1980s, with a focus on the political economy of rights (for land, representation, resources, etc.). While Hodgson's work is not focused on GBV, her research relating to transnational, national, and local policy development within the context of the varying roles and agendas of UN agencies, NGOs, and "grassroots" peoples provides many relevant lessons. This includes a focus on processes (representation, positioning, and relational aspects) used in the effort to create an identity and representation of the Maasai (and other African groups); the role of the State, as gate keeper and funnel for the engagement of international players and agendas; colonial and post-colonial pan-African politics; and the shifting politics of NGOs (2011a).

Jennifer Wies and Hillary Hildane have been leaders in promoting the publication of anthropological research on GBV, including a volume that uses a political economy lens to examine how universal models of response to GBV are articulated through locally produced interventions. The focus is on "front-line workers," highlighting the interactions that take place within "locally produced interventions" that are produced in response to dynamics that include transnational discourse, state politics, local culture, and individual women who seek support (2011).

Conceptual Framework

My perspective has been influenced by critical feminist, medical, and applied anthropology, whose frameworks connect the production of knowledge to advocacy, activism, and often, human rights (Craven and Davis 2013; Gunewardena and Kingsolver 2007b; Harrison 2007; Mascia-Lees and Black 2000). This perspective served as my

epistemological framework and steered my methodology, detailed in Chapter 3, while I used a grounded theory approach during most of my research.

Anthropologists who study GBV use a wide range of perspectives, as indicated in the brief review above. My analysis utilized the following overlapping and intersecting themes: the political economy of violence against women policy and practice; structural and symbolic violence; performance, practice, embodiment, and habitus; and, patriarchy. Below I provide context to my use of these constructs by providing a review of how some key theorists have used them and highlighting select literature.

The Body, Power, and Structural Violence

The focus of this research is male abuse of women. Conceptualizing the subtle ways that power is used to perpetuate gender inequality is important to understanding the social, religious, and cultural norms that underlie male power. Among the frustrations for family members, service providers, duty bearers, and even policy makers and donors is understanding women's acceptance of their own inequality and violence directed at them by husbands and male partners; and, the fact that women will often return to an abusive situation even after reporting it. Applying perspectives of theorists who address intersections of power, and the body, governance, and institutions supports deeper understandings that women's actions at the individual level in Uganda are based within the overarching patriarchal structures that are supported by customary and statutory law, kinship and social organization, and, social and religious norms.

Themes of the body and power became dominant within both feminist and medical anthropological literature in the period from the mid-1970's to the mid-1990s, and create the foundation of much of later work. Michel Foucault (1926-1984) is perhaps

the most cited source of commentary on both themes, and it is almost impossible not to think of Foucauldian “bio-power” in Uganda. Foucault named this exercise of power and control over populations – which he said functioned to control populations through the “disciplinary technologies” of governments and institutions (Foucault 1973; 1977 [1975]; Foucault 1980). In Uganda government both promotes “women’s rights” through legislation and discourse, yet maintains patriarchal structures that constrain these rights, and which are reinforced through kinship and social structures. Foucault analyzed power as relations between the subject and the “institution” rather than unilineal oppression, with a focus on the “disciplinary” function of institutions, although he did not ascribe institutions direct power over individuals. Rather, Foucault considered power as “*circulating*,” with individuals both “*exercising*” and “*experiencing*” power - although he pointed out that there was not equal access to this power.

Structural violence is a term first used by Johan Galtung in 1969, as well as Latin American revolution leaders (Farmer 2004). While definitions vary, at its basis is the notion that structural violence is perpetrated by the existence of social structures that establish, maintain, and reinforce oppressions. According to Paul Farmer, who popularized the concept within anthropology (2004:308):

Structural violence is violence exerted systematically—that is, indirectly—by everyone who belongs to a certain social order: ... the concept of structural violence is intended to inform the study of the social machinery of oppression.

Structural violence is embodied as adverse events if what we study as anthropologists, is the experience of people who live in poverty or are marginalized by racism, gender equality, or a noxious mix of all of the above. The adverse events to be discussed here include epidemic disease, violations of human rights, and genocide.

Within the context of my research, structural violence is seen, for example, in the disciplining of women who step beyond particular gendered boundaries. Early in my

research, I heard how structural violence enforces a silence on some female MPs when issues important to women's rights are brought up, because of the fear of backlash from male colleagues, as well as constituents. This was particularly true as the country was looking forward to 2016 elections, and discussion around whether the affirmative action policy, which won most women MPs their seats, would be dismantled.⁹ Other incidents of structural violence in the reactions to women's reports of domestic abuse – within their social networks, as well as to duty bearers, as will be narrated in Chapters 5 and 6.

Sally Engle Merry led a study in a small town in Hawaii to learn more about how, and to what extent, women who use legal remedies for domestic violence shift their subjective identity into a “rights-defined self,” as well as how men, disciplined by the court, react in terms of their own subjectivities and identities. Lessons of the study include the power of “law,” as a regulatory function of the state, to affect changes in gendered subjectivities; the enduring gendered roles that can give men power even in the face of law; and, the power of duty bearers to enact structural violence on “victims” who don't act according to expectations of duty bearers (Merry 2003).

Practice, Performance, Embodiment, and Habitus

How women perform and practice, as well as think about, their gender roles was another central aspect of my research. Insights into how diverse women “do” gender, and how and what affects the ways that women shift their performance and practice of gender, is key to understanding how policy and practice can help women affected by domestic violence. Background literature, as well as theoretical perspectives, on this topic are extensive. I focus discussion here on a few key influences on my own thinking.

⁹ I attended several policy dialogues in 2013-2014 where this topic was discussed. See Appendix I for details.

Pierre Bourdieu (1930-2002), like Foucault, was a French social theorist with interest in power and the body. Bourdieu saw social inequity played out in power relations that were evident through what he considered embodied “*dispositions*” - the invisible social structures that “*naturalize*” social hierarchies and injustices and are established through subtle power relations on the bodies of individuals. For Bourdieu it was not in what people “*said*” but in what they “*did*” that reliable indicators of “*social realities*” could be found (Foster 1986:105). Bourdieu explains symbolic violence in the following way (1977:192):

...the gentle, invisible form of violence, which is never recognized as such, and is not so much undergone as chosen, the violence of credit, confidence, obligation personal loyalty, hospitality...piety – in short, all the virtues honoured by the code of honour – cannot fail to be seen as the most economical mode of domination.

Symbolic violence for Bourdieu was the implicit power present in the structures that make up the *habitus*, a central concept in his work (Wacquant 2003:478). *Habitus* originated in the philosophy of science of Aristotle, and was initially introduced into anthropology by Marcel Mauss, but it was Bourdieu who developed the concept and moved it into wide usage. According to Bourdieu (1977:72):

...a particular class of conditions of existence produce *habitus*, systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles which generate and organize practices and representations that can be objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them and, being all this, collectively orchestrated without being the product of the orchestrating action of a conductor.

The concept of “*habitus*” is useful in trying to understand both the perpetuation and the possibility of change for issues such as gender inequality, which are embedded in social norms. “*Practice*” is understood to be the mode by which the *habitus*, or “*unconscious schemata*” (Wacquant 2008) is embodied. Bourdieu emphasizes the need

to remember that structures being examined are "...themselves products of historical practices and are constantly reproduced and transformed ..." (Bourdieu 1977:83). A writer on Bourdieu states: "Through habitus, social practices are neither the mechanical imposition of structures nor the outcome of the free intentional pursuit of individuals" (Navarro 2006). This notion of habitus supports theory building about factors that can both support and act as barriers to women's access to policy, even as laws are enacted to presumably shift structural barriers.

In an Annual Review of Anthropology article "All Made Up: Performance Theory and the New Anthropology of Sex and Gender" (1995), Rosalind Morris provides a review of performance theory in the mid-90s, then a new concept that emerged as part of the new focus on the body. Morris notes that among the many contributions of Foucault to anthropology was an evidence base for the social construction of gender and the groundwork for performance theory through the diary he published of Herculine Barbin, a hermaphrodite, raised as a girl, and later forced to select a male identity. According to Morris: "...the diary provided stunning evidence for Foucault's theory that the very perception of sex identity presumes a regulatory discourse in which the surfaces of bodies are differentially marked, signified, and charged with sensitivity" (1995:568).

According to Morris, as both feminists and anthropologists were able to better articulate the distinction between sex and gender, performance theory filled a gap in explaining the relationship between these two categories, in the same way as the body itself may be seen as the nexus between the individual and society. Performance theory or "gender performativity" is considered "the process by which difference and identity are constructed in and through the discourses of sexuality" (1995:569).

Judith Butler wrote: "...gender is in no way a stable identity of locus of agency from which various acts proceed; rather it is an identity tenuously constituted in time – an identity instituted through a *stylized repetition of acts*" (Butler 2010 [1997]:419). For Butler sex, as well as gender, is constructed through discourse, as well as through the "doing" that is defined as performativity (although not necessarily by an individual subject). Related, is the creative notion of embodiment, as noted above as the phenomenological way that gendered experiences become inscribed on our bodies (Butler 2010 [1997]). Anthropologists, in ethnographic narratives, use the concept of embodiment to articulate how the political economy of violence is reflected at the level of the individual body (Bolles 2007; Plesset 2006; Scheper-Hughes and Lock 1987; Sutton 2007).

In Uganda, as discussed in Chapter 5, for women, the performance of respect for her husband or male partner is often physical – and for many women there is an underlying threat that disrespect for her husband will be experienced physically as well. Judith Butler applies Victor Turner's work (1974) relating to the use of ritual and "*communitas*" as mechanisms that repeat and reinforce social meaning already inscribed to gender stating:

When this conception of social performance is applied to gender, it is clear that although there are individual bodies that enact these significations by becoming stylized into gendered modes, this "action" is immediately public as well. There are temporal and collective dimensions to these actions, and their public nature is not inconsequential; indeed, the performance is effected with the strategic aim of maintaining gender within its binary frame. Understood in pedagogical terms, the performance renders social laws explicit (2010 [1997]:425).

Patriarchy

All Ugandan ethnic groups can be described anthropologically as "patriarchal" using the following definition provided by AR Radcliffe-Brown (1971 [1924]:91):

A society may be called patriarchal when descent is patrilineal (i.e. the children belong to the group of the father), inheritance (of property) and succession (to rank) are in the male line, and the family is patripotestal (i.e. the authority over the members of the family is in the hands of the father or his relatives).

In addition, all groups in Uganda customarily promoted patrilocal residence and permit polygyny. Also, all have practices, and expectations, in the form of gendered roles and responsibilities, that support male dominated decision-making. Among the rich points (Agar 1996 [1980]) I encountered repetitively in my research was agreement by most women that gender equality should prevail in the public sphere; however, within the domestic, private, sphere men should continue to function as heads of households.

In the early 19th century, patriarchy was problematized as part of the prevailing social evolutionist paradigm that early anthropologists played roles in promoting. Lewis Henry Morgan (1818-1881) was among the major proponents of social evolution, and believed societies evolved through stages of social and biological human development (savagery, barbarism or civilization), with race and culture as key variables in this evolution. Karl Marx (1818-1883) and Friedrich Engels (1820-1895) built on Morgan's ideas to theorize that the development of capitalism and ownership of private property led to the oppression and exploitation of women (patriarchy) and proletariat classes.

According to Marxist thought, ultimately class struggle would lead to a revolution that would end with communism and a return to egalitarianism (Leacock 1981; Leacock 2008 [1983]; Lewin 2006:13; Rapp 1979:498). At the same time, Johann Jakob Bachofen (1815-1887), a Swiss theorist, published *Das Mutterrecht* (Mother's Right) in 1861, proposed an evolutionary paradigm where society was first characterized by sexual promiscuity, followed by matriarchy, and later patriarchy (Eriksen and Nielsen 2001:46; McGee and Warms 2008). Herbert Spencer (1820-1903), who coined the term "survival

of the fittest,” proposed that societies that favored patriarchy were stronger and more likely to succeed (Mascia-Lees and Black 2000:23).

Patriarchy was later introduced into feminist theory by doctoral student Kate Millet as a concept to explain the prevalence of both public and private male dominance. Millet’s 1969 dissertation was published as a book in 1970, under the title Sexual Politics. In the introduction to an updated volume of the book, Millet states (2000 [1969]:xi):

...in 1970 my main interest was to restate and reestablish the fact of historical patriarchy in modern terms and for my generation, to see it as a controlling political institution built on status, temperament, and role, a socially conditioned belief system presenting itself as nature or necessity. Thirty years have focused this understanding but could not alter it significantly.

Ara Wilson, an anthropologist, in a 2000 review of feminist theory relating to patriarchy states, “The rubric of patriarchy opened up an intellectual and imaginative space, and provided a vocabulary and model for understanding male dominance and female subordination as systemic, political, and self-reproducing” (2000:1494).

Between the early-1970s to the mid-1980s feminists across disciplines, including anthropology, published theories about patriarchy. Within feminist anthropology, the main debate revolved around answering the question: “Is male domination (or gender/sexual asymmetry) universal?” From the mid-1980s “patriarchy” as a construct of analysis began to lose favor with feminists for a range of reasons, including criticisms that it is under-theorized, that it essentializes both sexes, connotes rigid structures, and does not take into consideration the multiple intersections of inequality (Hunnicut 2009; Kandiyoti 2010 [1988]; Walby 1990; Wilson 2000).

Criticisms about patriarchy gave rise to theories of intersectionality to support understandings that inequality occurs on multiple, intersecting, aspects of social identity (Gunewardena and Kingsolver 2007b; Morra and Anzaldúa 1983; Sacks 2006 [1989]).

In Uganda, gender intersects with age, ethnic identity, religious identity, economic status, educational level, and marital status.

In a recent article, sociologist Gwen Hunnicut makes an argument for “resurrecting patriarchy as a theoretical tool.” In doing so, she acknowledges the criticisms that have been made and suggests means of addressing these while retaining the notion that explanations of VAW are based within gendered relationships and power (2009:554). In particular, she sees gender as intersecting with other forms of domination, and she looks at intersections between structural and ideological inequality as mutually reinforcing, as well as potentially divergent (2009). The latter point can be seen when legal structures, which support customary patriarchy, are changed, yet ideology does not. At the same time, many countries have retained laws that contain elements of older patriarchal ideology that have long been abandoned.

In Uganda, structural and ideological patriarchy are central to understanding both the causes of VAW, and how women address VAW. As an ideology, patriarchy pervades the relationships between men and women, and it is affirmed by government officials, as well as community members. As structural patriarchy, an ideology that gives males power over women is woven into statutory and customary laws and practices.

At the same time,, it is important to emphasize, that patriarchal structures, including economic, political, kinship, and social structures and systems; and, patriarchal ideologies and practices, are in constant change as they are affected by global, national, and local factors.

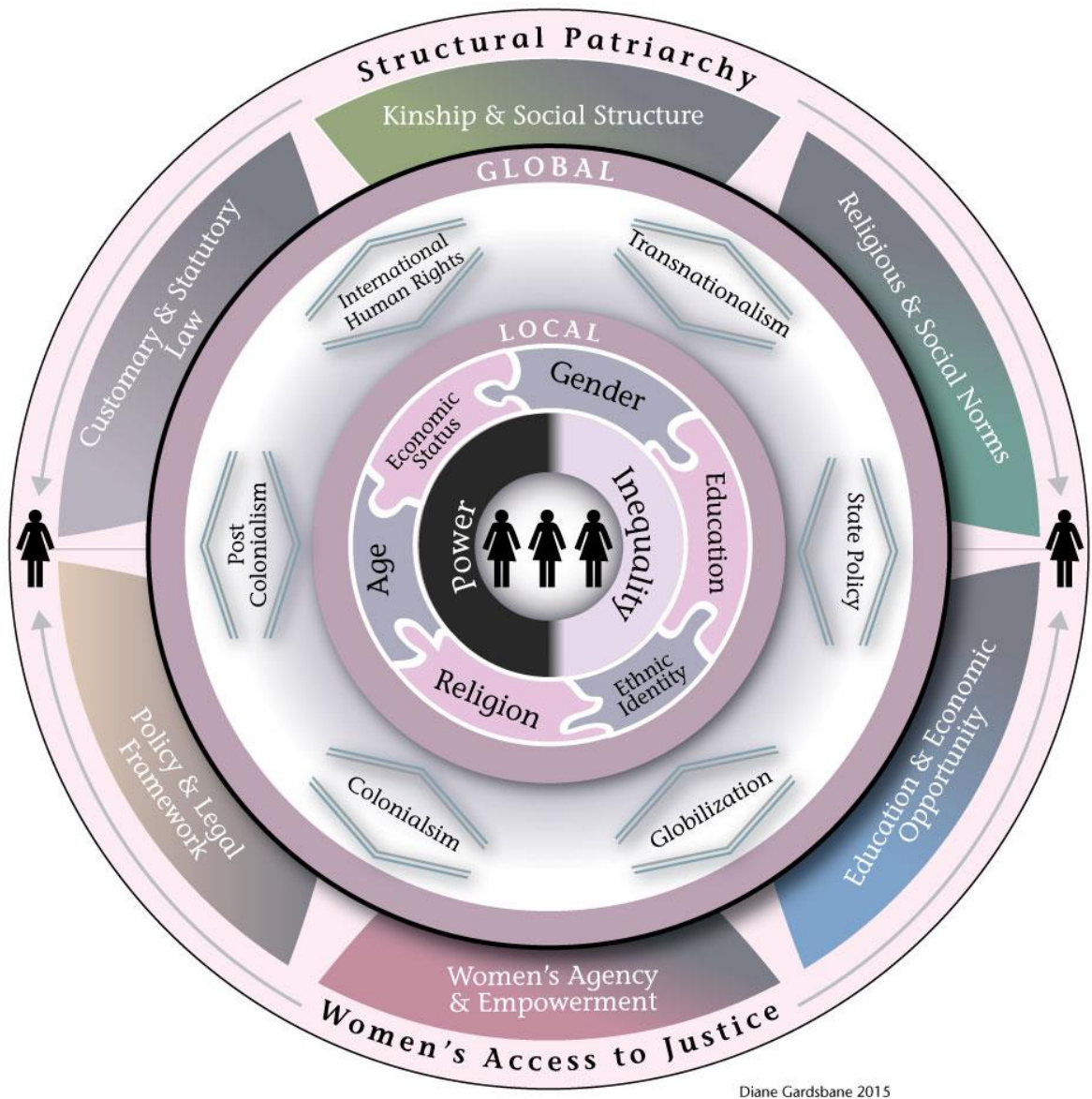
Political Economy of VAW in Uganda: An Introduction

My analysis uses cited, and other, conceptions of the body, power, structural violence, performance and practice, embodiment, and structural patriarchy to support deconstructing the political economy of VAW policy and practice in Uganda.

In Uganda, policy and practice focuses on both preventing and responding to VAW. This includes a legal framework, as well as interventions focused on developing women's agency and empowerment, including promoting girls and women's opportunities to educational and economic opportunity. Yet, when women take actions to access justice in the event of domestic violence they bump up against the structural patriarchy that is supported through customary and statutory law; kinship and social structure; and, religious and social norms. It is in this space – where structural patriarchy and women's access to justice intersect, and often collide – where women I got to know in Uganda struggle.

The following model, Figure 3, provides an overview of the political economy of VAW policy and practice from a woman's perspective. It is circular to signify continuing change and evolution in the many factors that influence a woman's identity. The dialectical dynamics between “global” and “local” (“national” and “community”) include both historical and ongoing factors relating to colonialism and post-colonialism; international human rights, transnationalism, globalization, and state policy. The outside of the model, just discussed, has structural patriarchy at the top, reflecting its dominating influence, even as it is also dynamic.

Figure 3: The Political Economy of VAW Policy & Practice in Uganda



Limitations

Theory relating to intersectionality is foundational to much of anthropological theory, particularly in addressing issues of power and inequality. Women in urban Kampala are diverse by ethnic group, economic status, education, language skills, marketable skills, and social status. My study sample is representative of such diversity. I

highlight these diversities to ensure that readers are aware of them, but my research could not adequately problematize how these elements affected women's access to justice.

It is important to point out that my study relates to women in the particular community of Kyegwelede, while lessons extend beyond. There are areas of Uganda that have more developed services for women, particularly in rural areas and where a network of domestic violence shelters is being implemented. Replicating my study elsewhere might reveal similarities and differences. A similar study would need to be done in those contexts to determine whether women's access to justice is different in those areas.

Chapter 3: Methodology: Doing Multi-sited Urban Ethnography

Prologue

My local research was deeply enriching as well as depressing and painful. I quickly became engaged in Kyegwelede Village, as well as with the family of Jane, outside of Kampala. I took daily walks and stopped to chat with women, often hearing about their perpetual struggles to feed children, pay school fees, and deal with inevitable sickness. I was constantly struck by the innovation, strength, and ability to survive that I witnessed. In addition, I constantly struggled with how to balance both my position as a person with so much relative privilege against the overwhelming need and my anthropologist ethnographer role seeking to integrate into the community to learn and produce knowledge. In Uganda, as in much of Africa, those with any level of privilege are expected to help those with less.¹⁰ As a researcher, I wanted to ensure that I was not exchanging help for friendship, or information; at the same time, I developed many close relationships quickly and I wanted to respond as someone with empathy for real need.

From my notes:

May 2, 2014: Saleema finds me at my house, which is unusual – typically, I talk with her at her husband's shop or her home. Her husband's brother and another man came from the village...She talks about the pain from what they said to her. She tells me that this was all part of a family meeting – first that she should stay home and not work and if she is to work then the income she earns has to be shared with her husband. She talked to her own father and he said she should just stay home if the husband is going to take the money. I ask if he will come here – she says no – but the father says they must talk to the parents of the husband.

Her husband is asleep in the house – he has not given money for food. She needs 7000 Ugandan shillings [~\$2.50] to feed him and the two male relatives, herself,

¹⁰ While this may be true in other parts of the world as well, where I have less experience, there is a much greater anticipation that anyone able will share income to support members of their extended family, as well as others in their community, than in most contexts I am aware of in the US.

and the children – there has to be charcoal, things for sauce, and so on. She has not cooked because she doesn't have the money.

But, she wants to pay back the 100,000 shillings (~\$37) she owes me [a loan for some business capital]. I suggest that perhaps she needs to keep it for an emergency – or take some of it to buy food for today. She insists she has to pay me back and she has the money. I can tell she is concerned her husband is going to find the money and spend it. She asks if I need airtime – I don't, but I say 'yes...I will buy 5000 Orange and 5000 MTN.' This gives her about 500 income.

She goes to get it and returns with a small white sack where she has wrapped inside the airtime she sells, important receipts, including the loan agreement between her and me, and the money owed to me. The money is mostly in worn and tattered 1000 and 2000 notes – she straightens each bill, counts it out, and puts the small bills into 10,000 packets. She first gives me the airtime, takes my 20,000 note and gives me back 10,000 – adds the 20,000 to the rest of the money and asks me to count it. I am feeling pain as I see her putting together this money. Later I think why didn't I buy more airtime.

She leaves and I finish heating the soup I was warming when she came – feeling some level of guilt ...[for the food I am about to eat, for the money I could easily just give her...].

Introduction

In this chapter, I describe the methods and approach I used in trying to understand the complex dynamics related to the implementation of VAW policy and practice; and, what role policy and practice have on the decisions women, who confront domestic violence in their lives, make. The challenges inherent in my task included the complexity and enormity of the topic itself, as well as moral and human dilemmas the above vignette hints at.

The chapter is divided into the following five sections: Multi-sited Ethnography – Rationale and Approach; Data Collection; Ethics and Safety; Data Management and Analysis; and Study Limitations.

Multi-sited Ethnography – Rationale and Approach

My research questions guided my choice of methods for data collection – featuring participant-observation, informal and semi-structured interviews, focus groups, and document review, conducted at the multiple levels of engagement with VAW policy and practice that my research intended to focus on, including:

- Policy makers and the national “policy” level, which includes international, transnational, and national actors that impact policy development and implementation in Uganda;
- Practitioners, including service providers and activists, at the community “practice” level, which includes NGOs, government agencies, private providers, and others; and,
- Intended beneficiaries, at the “individual” level, with a focus on women.

To accomplish data collection from these different groups and contexts, I used “multi-sited ethnography” a method of conducting ethnography in multiple sites as part of a single ethnography. This approach to anthropological research has been employed more and more as a way to address connections between “global” and “local” contexts (Burawoy 2001; Falzon 2009; Hodgson 2011a; Marcus 1995). Falzon notes that increasingly the ability to understand contemporary society requires consideration of a larger “whole”, inherently expanding the anthropological vision of what “ethnography” is beyond “the village” (2009). Michael Agar, using an example of ethnography dealing with heroin addicts who live on the street, points out that the “old” ethnography would situate the researcher on the street with the addicts, while the “newer” ethnography would

extend research to the offices of policymakers and institutions that affect the lives of addicts (Agar 1996 [1980]).

My approach to multi-sited ethnography built on these concepts. My research to address “policy” and “practice” – two levels that were often intersected in space, as well as function – was conducted in a host of physical locations with several key actors. Given I was based in Kampala, the seat of government, there were numerous places to conduct research – including the offices of the Ministry of Gender, Labour and Social Development (MGLSD), civil society spaces, police stations, courts, and the endless number of workshops held in hotels bringing together diverse stakeholders.

My research at the community level was conducted within a specific geographic entity. Having a sustained engagement in a single community provided the local context where I could generate anthropological insights relating to my overarching question about how the political economy of VAW policy and practice affects a specific population of intended beneficiaries – women living in an urban, mostly very low-income, and highly populated area, of Kampala - Kyegwelede Village. This area is often referred to as a “slum”¹¹ but, as discussed below, it is increasingly socio-economically diverse.¹² Other terms researchers have used for similar communities in nearby divisions are “high density impoverished communities” (Kyegombe, et al. 2014) or “low-income community” (Wyrod 2008).

¹¹ The UN Habitat defines a slum as having the following five characteristics: inadequate access to safe water; inadequate access to sanitation and infrastructure; poor structural quality of housing; overcrowding; insecure residential status. Definition accessed November 8, 2015 at: <http://unhabitat.org/urban-themes/housing-slum-upgrading/>.

¹² I lived in a house and compound that is evidence of the transition taking place. My house was a 2-story, newly constructed, home with electricity and running water (cold), in a compound with two duplex units, which also had electricity and running water; and, 4 single room units that shared common outside toilets and showers. A gate was installed as I was moving out, separating the compound from the very low income, and more densely occupied, housing just across from it.

Research Phases - Overview

My research had three overlapping phases.

In *Phase I*, from October to December 2013, I conducted participant-observation primarily at a national level in meetings and trainings that brought together a wide range of actors on issues of policy and practice; and, I conducted informal and informational interviews with targeted individuals working within the “practice” sector in prevention and response. During this phase of research, my focus was on being present in as many forums as possible to support my understanding of the policy and practice framework and discourse, as well as the relationships and power dynamics among and between actors.

In *Phase II*, from January to August 2014, and, continuing through the rest of my research, I conducted ethnographic research in Kyegwelede Village. I rented a house there for 6 months, from February to August 2014.

In *Phase III*, from September to December 2014, I conducted semi-structured, in-depth interviews with policymakers and practitioners. This was the end of my full-time research.

From January 2015 to mid-March 2015, I started to organize my data, including getting audio tapes translated from local languages to English. I also continued to attend a few meetings and trainings; conducted some additional semi-structured and informational interviews; supported two women with legal aid and court cases; and collected data from courts.

An “Engaged” Approach

My approach to research was informed by a variety of perspectives that advocate for an “engaged anthropology” (Beck and Maida 2013; Low and Merry 2010), a

methodology that cuts across critical feminist and medical anthropologies, as well as applied anthropology. In the introduction to a special publication of papers presented at a 2008 Wenner-Gren workshop to discuss the topic, editors Seth Low and Sally Engle Merry provide a “typology” of some of the major forms of an “engaged anthropology.” These include “sharing and support,” for example “everyday” acts of friendship, reciprocity, personal, and professional support; “teaching and public education,” in and out of classrooms; “social critique,” using research to identify issues relating to power and inequalities; “collaboration,” including a wide range of ways to engage and work with those in a research setting; “advocacy,” supporting local efforts; and, “activism,” being a committed part of efforts to attain rights or justice on a particular cause (Low and Merry 2010). These methods support reciprocity; decreasing the power differential between the researcher and the “Other”; and improve the quality of knowledge produced by using insiders as experts.

In my own research, I used several types of “engaged” anthropology, with an emphasis on the “support and sharing” arena, as exemplified in the opening vignette of this chapter; as well as “collaboration,” discussed below. Towards the end of my research, I took on an advocacy role with particular women, helping within police, legal aid, and court settings. And, as an “activist,” I provided respectful feedback to NGOs in the final stage of my research, advocating for improved services for women.

I put a strong focus on the issue of reciprocity, at individual and organizational, levels. While the degree to which I could provide any return value cannot be compared to what I received, I maintained an awareness of the generous time and knowledge given to me by extremely busy people – whether professionals working in under-resourced

settings, or women in Kyegwelede Village taking time from duties to family, activities related to daily needs, and income-generation.

Collaborative Relationships

As discussed above, using a collaborative approach to research is shared by applied, feminist, and medical anthropologies. It is one way to reduce a researcher's authority, to "give back" for the knowledge and time being given, to develop relationships, and, to balance an "outsider" with an "insider's" bias (D'Amico-Samuels 2010 [1991, 1997]; Harrison 2007; Schensul, et al. 2015). It also promotes better understandings of complex issues, particularly where language and cultural barriers are present.

Early in my planning, I contacted Paul Bukuluki, PhD, a medical anthropologist at Makerere University, who also works as a consultant on gender-related issues, to ask him to be an informal advisor and to collaborate with me. We met frequently and he provided invaluable advice throughout my planning, research, analysis, and writing.

I developed a special relationship with the Center for the Prevention of Domestic Violence (CEDOVIP) – a well-known and highly respected national NGO based in Kampala. In the early planning stages of my research, I met with the director of the sister organizations, Raising Voices and CEDOVIP for input on my research design, knowing that both are actors not just on the national level in Uganda, but on the global level promoting learning around what works to prevent VAW, as well as HIV. CEDOVIP was created as an outgrowth of Raising Voices, which began as an international organization. For issues on VAW, CEDOVIP is the implementing organization, while RV is focused on research, advocacy, policy, and knowledge production. RV addresses VAW and HIV,

as well as violence against children. The organizations share office space and staff interact for learning, training, and continued program development and implementation. Both organizations provided important support to me throughout my research process. When I was ready to begin my research, I approached CEDOVIP to ask if there were any discreet tasks I might help with in exchange for access to spaces where I could learn about the work of the organization, as well as knowledge about the local communities they work in.

Since 2006, I had worked as a consultant for a small women-owned consulting company, EnCompass LLC, and had played a senior role in project management, research, evaluation, capacity-building, and technical assistance on projects around the globe focused on gender-related issues, HIV, and education. I was fortunate that CEDOVIP was planning to have a staff retreat less than two weeks later to think through their next 5-year strategic plan and could use a pro-bono facilitator. I offered my expertise, and after two days with the full staff of CEDOVIP in September 2013, and one day with the small Board of Directors of CEDOVIP in October 2013 – I had a strong beginning to what would evolve as a close working relationship for my research.

It was also helpful that I have spent many years working on issues relating to gender-based violence. As a Peace Corps Volunteer in Swaziland from 1979-1981, women talked to me about domestic violence, and I served as the director of a rape crisis center in the US in 1982-1983. Starting in the late 1990s, I began focusing more on domestic violence and related gender issues in local, national, and international arenas. As a consultant in 2009, I conducted a study for the UN system on GBV in Viet Nam that served as the background for the next 10-year strategic plan relating to GBV. My interest

in the power dynamics among and between actors who design and promote policy and practice and the extent to which women at grassroots levels are engaged came out of this work.

Figure 4: CEDOVIP Strategic Planning Event, October 2013



In the beginning months of my research, I took every opportunity to get input from those around me and to learn. I asked questions, but rarely offered opinions. I worked to contribute by doing small tasks. For example, if I was attending a training I helped with set up and break down and I asked if someone was needed to type flip charts or notes.

Within the local community where I conducted research, I also had a rich collaboration with a women's rights CBO. After an early introduction to the CBO

founder, Irene, I sought her out to see how I could become involved in her organization. I began by attending their meetings, public events, and, participating in their monthly community clean-ups. Later I was able to accompany the paralegal workers during some of their community education work, and, I was introduced to some of the women I interviewed through this organization. Irene and other women befriended me; introduced me to local government actors; other NGOs working in the area; and, acted as another reflective partner. I supported the CBO by writing two grant proposals; developing a monitoring and evaluation framework for one of the funded proposals; and doing other small tasks as needed. Before ending my research in March 2015, I engaged Irene in supporting one of the women I was working with, an effort to sustain some of my efforts and to build the CBO's capacity in providing advocacy to women. The CBO had limited experience following cases beyond the Local Council level and police, and had made assumptions about how their referrals to legal aid were "working." By bringing Irene along with me to support one woman's journey, the complexities and the challenges women face in accessing justice became clearer to her.

I also had two opportunities to work with UN Women. I played small roles to support staff before, during, and after an Africa-wide pre-Commission on the Status of Women (CSW) meeting held in Addis Ababa in February 2014 that I attended. And, just before leaving Uganda, in February 2015, I acted as a volunteer rapporteur for the 3-day final evaluation meeting of the UN Joint Program on Gender Equality, which gave me a final opportunity to listen to relevant discourse and consult with some key government, UN, and civil society stakeholders.

It was only late in my research, after developing good relationships with actors that I felt I could increasingly take on an “activist” approach. By the time I was conducting in-depth interviews with policy makers and practitioners I had gained sufficient credibility that I could also use the time to engage in two-way dialogue about some of my findings that I thought might be informative to improved practice.¹³ I will also be sharing my research findings and seeking input for further publications in a stakeholder event that will be sponsored by Raising Voices in Kampala in early 2016.

As an “advocate” for individual women, I went to courts, police, and legal aid providers. In these encounters I worked to strike a balance between merely making it possible for women to pursue justice (with transport, as well as potentially faster “service”), providing moral support, and trying to influence outcomes more overtly. A role I played often was informing duty bearers about details of the DVA they didn’t know, for example, at one court the clerk did not know about the provision of Protection Orders within the DVA.

Data Collection

Data Collection - Phase I in Multiple Sites

I officially “launched my research” with a half-day meeting sponsored by CEDOVIP, with approximately 40 key stakeholders, including members of the Domestic Violence Coalition (DVC), and several Makerere University faculty. The DVC, coordinated by CEDOVIP, is a network of civil society actors, duty bearers, and others who advocated for the DVA and now advocate for its implementation. I presented a PowerPoint that detailed my research plans, invited questions, facilitated a participatory,

¹³ There was no breach of confidentiality in this process. I discussed experiences women were having without divulging identities.

reflective session about what led to the DV Act being passed, current implementation successes and challenges, and invited input into aspects of my research plans.

These collaborative practices enabled the development of relationships of mutual trust and respect with a broad spectrum of stakeholders – relationships I worked at constantly. Phase I of my research coincided with preparations and implementation of events related to the international 16 Days of Activism Against GBV campaign, which takes place annually from 25 November to 10 December. During this time, there are numerous events, sponsored by the MGLSD and civil society groups. In 2013, many of these featured dialogues about the DVA and its nascent implementation and were based in Kampala. I attended meetings during both the planning stage, and during the campaign itself. Often, I was recognized and at each new event I met additional actors. Within a short time, many of the actors within the arena of VAW knew about my research. At meetings, I introduced myself as a researcher working on a PhD from the University of Maryland on the impact of policy and practice on violence against women in Uganda, with a focus on the DVA. When taking notes I did it overtly, either in a notebook or on my laptop, to indicate transparency throughout the meeting. I also used these events as opportunities to schedule informational interviews with key actors. I occasionally encountered dilemmas, as when someone thought I was in a meeting as a representative of CEDOVIP. This was a common confusion because of the initial launch event sponsored by CEDOVIP. I always tried to set the record straight.

Figure 5: Introducing my research to the Domestic Violence Coalition



During the initial periods of my research, I worked to detract from the privileged identity that could be deduced from my appearance as a white, older,¹⁴ non-African person – in rooms filled with civil society representatives, Members of Parliament, and others.

I debated early on whether I should use my vehicle in my research, and if so, whether I should trade in the diplomatic license plate¹⁵ that labeled me as connected to the US Embassy. In the end, I used the vehicle – it would have been unpractical not to, and kept the plates – it would have been complicated to replace them with new ones. On

¹⁴ Age in African cultures brings status and incurs respect. I turned 60 during my research.

¹⁵ Even though the Peace Corps is not officially part of the diplomatic corps we were able to have CD license plates, which provided a number of privileges, including being able to enter US Embassy parking areas at will.

a few occasions, when attending policy dialogue meetings in the first stage of my research, I parked a bit further from the main entrance than needed, to not be seen with it. I was always entirely forthcoming with my identity, including, when relevant, the fact that I was married to a US government employee. But I was unsure if MPs and civil society organization (CSO) representatives, who didn't yet know me, would make the incorrect assumption that I was conducting research that was also connected to the US government, and whether this would impact their willingness to interact with me. Later in my research, I acknowledged that my status gave me a range of entrees – into offices, courts, and women's lives – that might have been different had I been of color, Ugandan, younger, or not a US citizen.¹⁶

I continued to attend select activities throughout my research. While I initially conceptualized three “levels” of research, in reality “policy” and “practice” often intersected in space, so that where I conducted participant-observation around policy and practice was often the same. As an example, the policy dialogues I attended brought together MGLSD, MPs, CSOs, and often representatives from the Justice, Law and Order sector (JLOS).

For each of the two levels of engagement I proceeded from an exploratory stage, where I conducted participant-observation, and informal interviews during Phase I of my

¹⁶ Privileged status was often a conundrum. As a concrete example, at community-level workshops, during a self-serve buffet lunch those in charge might try to tell a white person to go to the front of the line. While they would also do this for a visiting distinguished African, I preferred to stand in line. In the community, when visiting women at their homes, I liked to sit on mats if that is where they are sitting, not be given a chair. These things did not change later in my research. However, when I was trying to support women's access to justice, and we arrived at a court, and because of my appearance a clerk sought us out to ask what we needed – I didn't eschew the privilege and say we would stand in a long queue. At the beginning of my research I might have stood in the line. In talking to women – age was an advantage. They saw me as an “auntie,” and in Uganda this is who you share personal confidences with. Younger white women may not have this advantage.

research, to a more formal stage of semi-structured interviews conducted in Phase III – discussed below.

By the end of my study, I had attended over 50 events including policy dialogues; trainings of service providers, police, magistrates, court clerks, state attorneys, media, and others; and including several high profile events. A list of these is included as Appendix I.

Data Collection - Phase II in Kyegwelede Village

Selecting a Local Community

During Phase I of my study, I accompanied CEDOVIP community activists on several visits to local areas where they were working, including one in Busoga Region, and several within Kawempe Division. This exposure helped me narrow the selection of a first site for Phase II of my research to Kawempe Division, based on the depth of exposure in the area over many years of work (since 2000) to VAW prevention by Raising Voices and CEDOVIP, and current work by CEDOVIP and other organizations, including PLAN Uganda. Kawempe Division is one of five divisions within the administrative area of Kampala District, which is within the Kingdom of Buganda in the Central Region. My interest in the area was in part because of the unique history relating to domestic violence legislation in the area. In 2008, the Kampala City Council passed the Kawempe Division Domestic Violence Bylaw. This was the first by-law on domestic violence to be passed in the country and happened after eight years of community organizing and advocacy facilitated by the NGOs Raising Voices and CEDOVIP, which had been working in the area since 2000.

I asked a small group of colleagues to meet with me to help me think through how to select a specific research site within Kawempe for my research. This included Paul Bukuluki from Makerere University; two staff of CEDOVIP who had worked as community organizers in Kawempe since the early 2000s; and, Carol, who would be my interpreter and research assistant and lived in Kawempe.^{17 18} During the meeting, we discussed my research objectives, and the need for an accessible and welcoming community that would be safe for me to live in alone. We narrowed the “field” to three of five zones within Kipapali Parish.

One of the CEDOVIP staff offered to meet me, along with Carol, for a walking tour of the potential sites several days later. He had family in the community; had worked there; was able to make introductions; and ask leaders to help me. We started in Kyegwelede and met the Local Council chairperson; his wife who worked with a women’s rights CBO; the female Local Council representative; the founder/chairperson for the women’s rights CBO; and, others. Most of these people had been engaged in some way with women’s rights, and many had participated in the early community activism work of Raising Voices and CEDOVIP. The LC3 showed us a house, newly constructed, that exceeded my expectations in terms of a nice and secure feeling place to live.¹⁹ Based on the receptivity I received, the ease with which one could walk around the community, and available housing, I selected Kyegwelede Village as a research site.

¹⁷ This interpreter/research assistant was also identified for me by the CEDOVIP community organizer.

¹⁸ Names are not being used to reduce any chance of the community being identified based on associations by specific CEDOVIP staff.

¹⁹ This was a 2-story, newly constructed, home with electricity and running water, in a compound with two duplex units, which also had electricity and running water; and, 4 single room units that shared common toilets and showers. A gate was installed as I was moving out, separating the compound from the very low income, and more densely occupied, housing just across from it

Research Site: Kyegwelede Village

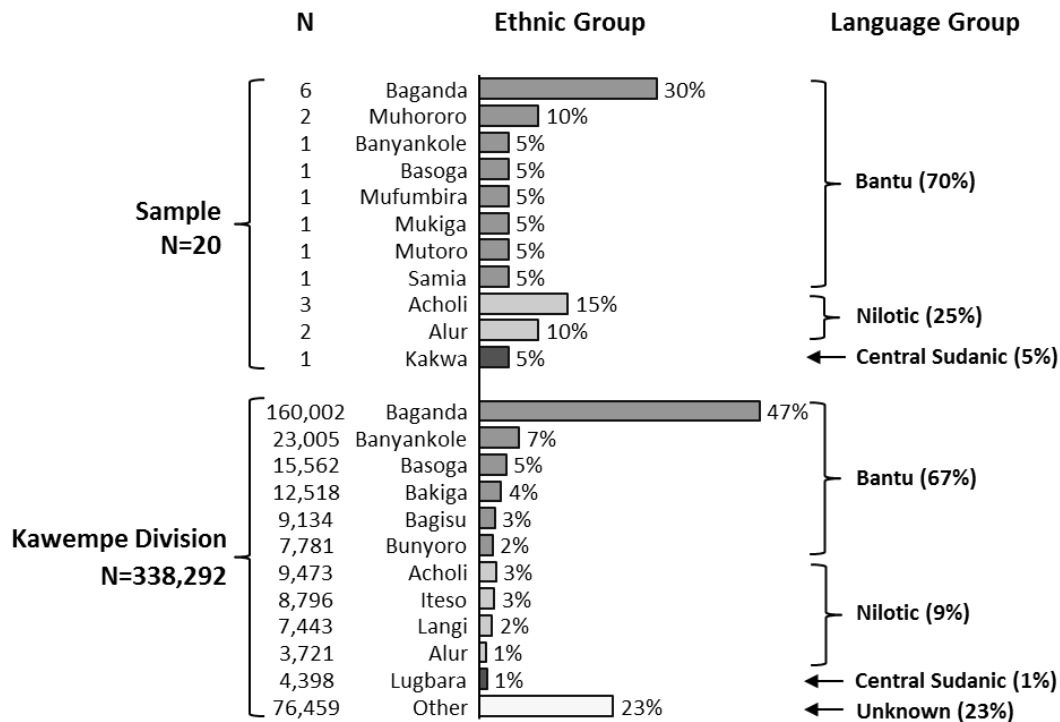
Kyegwelede Village is located within Uganda's Central Region, Kampala District, Kawempe Division, in Kipapali Parish. It is one of five villages or wards/zones.²⁰ A 2014 census was conducted in Uganda; however, data is not yet finalized, particularly for lower administrative divisions. While I could not access population data for Kyegwelede, provisional census results estimates Kipapali Parish's population at about 23,000 people, living in 5,000 households, with an average of 4.6 persons per household.

For Kawempe Division, which includes a range of higher income and slum areas, preliminary census figures indicate that out of a population of 338,000, 53% of the population is female while 47% is male.²¹ The average household size is 3.5 persons. The majority of housing is detached (65%) or semi-detached (15%), with 19% classified as tenement, or *muzigo*. Notably, almost half of these households (47%) have only one room for sleeping. A third (30%) have two rooms; 17% have three rooms; and only 7% have more than three rooms. Almost all housing in Kawempe uses pit latrines. Figure 6 below provides more information.

²⁰ Uganda is divided for administrative purposes as follows: 4 administrative regions; divided into 111 districts; divided into 146 counties, one city council, 13 municipalities; divided into sub-counties or divisions; divided into parishes; divided into what are known as wards, zones, or villages.

²¹ Household and population data was obtained from the Uganda Bureau of Statistics, Division of Geo-Information Services (GIS); remaining data was from the Kawempe City Council Authority, October 2015.

Figure 6: Housing Characteristics in Kawempe Division, Source: 2014 UBOS



It is easy to access Kyegwelede from other parts of Kampala. However, once one crosses a paved road that designates its borders, it is much like a village.²² Roads are unpaved and other than the main road that runs through it, roads are rough, and pitted with large potholes. In rainy season, some areas are not accessible by car. Deep open gutters line streets but are often full of trash and increase risks of flood, a concern throughout Kawempe Division. One of the major issues in this community, as well as others like it throughout Kawempe, is sanitation – both garbage and human waste. A study of the 15 “informal settlements” within the 13 parishes of Kawempe Division, including Kyegwelede, demonstrates that while for Kawempe Division as a whole

²² I call the Kyegwelede a “community” because like a village, it is a distinguishable area where people have a connection through residency in it. While I gave it the name “Kyegwelede Village” it is less common to hear someone use the word “village” than “community” in English although these two might be less distinct in Luganda.

detached housing is the most common dwelling unit, in these areas *muzigo*, or tenement, housing is the most common (Open Development Data 2015:8).²³ Most of the women I interviewed lived in tenement housing. Yet, as referenced, Kyegwelede slum areas as well as other less-congested areas, also have gated homes and compounds.

One of the challenges reported about Kampala's slums is uncontrolled, and unregulated, growth with complicated land tenure that privileges land owners and puts pressure on the majority who live in poverty, particularly women (UN-Habitat 2007). Major health issues for Kyegwelede are malaria, cough, measles, and diarrhea, and are related to crowded living conditions and compromised sanitation (Open Development Data 2015).

Consistent with the data for Kawempe Division as a whole, few houses in Kyegwelede have inside plumbing. Almost all people rely on pit latrines that are either private, shared, or pay-per-use (Open Development Data 2015). Community leaders told me that many residents cannot afford to have latrines pumped out when needed. Water, for drinking, cooking and bathing, is primarily accessed through outside pipe stands, either owned by home-dwellers, who pay a water-bill, and sell it to others, for 100 to 200 shillings for a 20-liter jerry can. Drinking water must be boiled. I also saw one public pay-water station in Kyegwelede.

Electricity is widely available in the community but it is costly and many residents live without it. Most people cook on charcoal burners (*amasigili*), and purchasing the charcoal is an additional daily expense of 1000 to 2000 shillings or more.

²³ This study was conducted by NGOs working/residing in settlement areas and is part of an open data project. Report accessed on 10/29/15 at <http://opendevdata.ug/documents/kawempe-slum-settlement-profile>.

Conducting Ethnography in Kyegwelede

At the beginning of this phase of my research, I did a range of things to become a temporary part of the community. Each day, I walked through the community with my interpreter/research assistant – greeting people and stopping to talk when someone seemed interested in knowing who I was or what I was doing there. I told people at large that I was there to learn about women’s lives in the community – how they survived, what had changed for the better for women, what their challenges were, and what kinds of health issues they have. This supported my need to maintain safety for women who would talk with me more directly about domestic violence related topics, while still allowing me to “chat” about issues that were relevant to my research. A common concern among those who research domestic violence issues is potential backlash from abusive intimate partners when a partner discloses abuse to an outsider.

I had the same concerns about bringing my car to Kyegwelede as I had using it in venues with policymakers and practitioners, but again there were practical reasons to have it.²⁴ I knew from other experiences that in local community settings an outsider is always visible. The following story, based on notes in my ethnography diary, took place within the first week I lived in Kygwelede and brings both points home.

I was parking my vehicle in the protected lot where I planned to keep it, and as I got out a man approached me and asked, in a friendly way, what I was doing in the community. This was not an odd question of a 60-year old white woman, driving a vehicle with a “CD”²⁵ license plate, staying in what many considered a “slum” community. I went into my story – explaining that I was conducting research about women’s lives and I was living in the community for a few

²⁴ There was no need for a vehicle inside the community but I needed transport to meetings outside the community, for shopping, and to occasionally go to my other home in Bugolobi. As the spouse of a US government employee I was not supposed to use the most accessible local motorcycle transport system (*bodas*), for safety reasons and probably would not have used them even if I could – for safety reasons.

²⁵ CD refers to *corps diplomatique*. Even though the Peace Corps is not officially part of the diplomatic corps we were able to have CD license plates, which provided a number of privileges, including being able to enter US Embassy parking areas at will.

months; and, the CD plates were because my husband worked for the Peace Corps, a project of the US government that provided American volunteers to work with communities throughout Uganda. He pulled out his identification and told me he worked for the President's security office "keeping track of foreigners." He asked for my identification; and, to see where I lived so that he could record it. I admit I was a little "rattled" by this, having a *déjà vu* sense of when I did some work in Russia and there was always the feeling someone was watching you. I knew I would be visible in this community but this was more than I expected. I asked the parking lot owner, who I already trusted, if I should believe this man – he said "yes." The security man walked with me to my house, and at some point he seemed to shift from what I imagined was a concern that I might be of some threat to the community, to a concern for my safety. He left after giving me his personal mobile number that I assured him I was not worried about needing – but appreciated.

The event never quite left my sensibilities – I was aware that it was unlikely there was anything about my "identity" that I was going to hide in Kyegwelede.

From January to March 2014, I conducted informal interviews with 38 women, purposively selected, some individually and some in small groups. My selection of women was based on a willingness to talk with me, chance meetings, and introductions from women I had met. Sometimes these discussions would happen spontaneously; other times I would arrange a time to come back – particularly if I was not with my interpreter/research assistant. Once I sat down to have even informal discussions, I would explain who I was, what my research was about (policies and services related to violence against women), explain issues of confidentiality, and, ask for verbal consent to participate.²⁶ I always explained that I was taking notes but not using names, and I overtly took notes on my computer. I did not audiotape these interviews.

²⁶ The oral consent process was used in settings that met the waiver of consent guidelines and this was approved by IRBs in the US and Uganda. These were discussions to gather information about opinions about violence against women, attitudes about gender, policies, services, and prevention of VAW. No questions were asked in these settings that were sensitive or related to private information. The reason for using oral consent for these discussions was to create a more relaxed setting.

As an example, Carol, my sole research assistant for the first 3 months, and I, were walking in an area where the female LC3 had introduced us to some women a few days earlier. A woman was alone on her front porch washing clothes so we approached her. She agreed to talk with us so we sat on the stoop of her house while she continued washing. Soon another woman joined us, and eventually there were five women. This became an animated conversation about women's relationships with men, polygyny, adultery, bride price, and domestic violence.

I rented the house in Kyegwelede for six months, although I actually resided there closer to 4-1/2 months. I was out of the country for three weeks during this time; and once I was traveling within Uganda with international guests for two weeks. After leaving my house in Kyegwelede in August 2014, I continued to be a frequent visitor to the community until I left Uganda in late March 2015.

Other aspects of the participant-observation I conducted in Kyegwelede included visiting women I got to know and "hanging out" – with my neighbors; at the female local councilor's house that was very close to mine; with Cecilia, who plaited hair and spoke reasonable English; with Saleema who often invited me to sit with her while she sewed in the afternoons; and, with Irene and Esther, at their homes, or at the Local Council 1's (LC1 or "chairman")²⁷ office. There were many other women I spoke with who were not part of my informal or formal interview notes, but who provided me with rich perspectives on their lives.

I lived on one side of the community, near the female councilor (LC3), and Irene lived on the other side, just next to the LC1s and his wife, Esther's, compound. Irene and

²⁷ Local government structure is explained in Chapter 4. The lowest level is at the village level where there is a Local Council, comprised of the LC1 or chairperson, and others. The LC1 plays an important role in many aspects of community life.

Esther were good friends and both became friends of mine. At least once a day, in the first weeks of my stay in Kyegwelede I would walk from my house to the LC1 area – sometimes down the main road, visiting and purchasing fruits and vegetables; and sometimes meandering the “back way” through the community, stopping to talk to people I got to know. My side of the village was primarily residential, with many women operating home-based micro-enterprises. Between my house and the main road, I would pass Grace at various stages of making *sim sim* (sesame) treats – depending on the day or week; a small grocery; a school; and, a local “bar” with an outside covered pool table, and small seating area, operated by a woman who always greeted me and sometimes gave me soft drinks. At the corner of the main road there is a *boda stage* (motorcycle taxi station), where five or six *boda* drivers sat between taking customers where they needed to go. Whereas I liked to walk, I knew some people who would pay the 1000 shillings (about 0.40 USD) to get a ride across the village to the main stage where the *taxis* (mini-vans that seat as many people as they can and drive specific routes) come through.

The main road was lined with shops including butcheries, hardware stores, general stores, a cobbler, a carpenter, stationary shops, small grocers, and people who set up on the side of the road marketing a range of foodstuffs – fresh fruits and vegetables, raw and fried fish, and a variety of cooked foods. In the early mornings, there were fresh chapattis, and assorted fried breakfast snack foods. In the late afternoon, a place near Irene sold roasted meat on a stick, while near me, there was tasty fried tilapia and Nile perch, and varieties of “rolex,” a Ugandan specialty consisting of a chapatti prepared with an egg and shredded cabbage, tomato, onion or other vegetables inside, and rolled up.



Figure 7: Road in Kyegwelede, photo by Deo Kusemererwa



Figure 8: Road near LC, photo by Deo Kusemererwa

The other side of Kyegwelede had more formal businesses, including drinking establishments. It had a rougher feel to it, and there were more men, both in places of employment and seemingly hanging out. At the same time, the LC1 office and home were there.

As my understanding of women's lives grew, I was ready to begin conducting semi-structured interviews. In consultation with my research assistants, I finalized my semi-structured guide, incorporating local terminology into my interview guides for things such as types of marriages, and inserting prompts that were contextually appropriate.

I conducted in-depth, semi-structured interviews that included life stories of varying depths with 19 women in Kyegwelede Village, who were purposively selected. These interviews were conducted during at least two separate interview sessions, typically lasting about one and half hours each. Many women were willing to stretch the interviews across three sessions. Criteria for selecting women to interview included practical issues such as availability, interest, and indications that they would share their thoughts freely with me. I also tried to select women whose stories I thought would represent a range of experiences, including women who said they had good relationships with their male partners, as well as some who I knew did not. Some of these were women with whom I interacted almost daily but set aside time for more structured interviews. I did not ask women to share their own experience with domestic violence unless they were comfortable doing so, as I was not trying to collect information about the incidence of various types of abuse in the community. I was interested in what women thought about gendered norms that might support domestic violence; whether these norms were

changing; how exposure to women's rights messaging, and particularly policy statements, was influencing how women thought about their rights; and what women thought about and/or did to report or seek support for various forms of domestic violence.

Not all women were as open as expected, and these interviews tended to be shorter. Other women just started talking and told me their life story with little prompting. Some women chose to tell me about ongoing or recent abuse, making it inappropriate to ask certain questions that would seem insensitive to their situation, or potentially emotionally upsetting. Most interviews were conducted with an interpreter, even when a woman spoke English, to ensure that she could speak in a language that was comfortable for her if she chose to. Some interviews used Luganda, if women were comfortable with this and I could not get an interpreter for her home language. A few women were able to converse comfortably in English. Saleema spoke Kakwa and I was unable to get a Kakwa-English interpreter in Kampala; but when she left to go home I traveled there and found an interpreter in the town nearby so that I could ask her more about her life in her own language. Many interviews were emotionally draining, for me and for the women I spoke with. I worked to ensure that interviews ended on positive notes, by asking what they thought had improved in their lives as compared to their mothers, or grandmothers' experiences, and just chatting a bit as well. I often tried to share something about my own life during interviews if women were interested, which most were.

My interview guide, attached as part of Appendix II, had three parts. In the first session, my research assistant and I would explain the study, obtain consent, including permission to audiotape the interview, and ask questions in Part I, which contained

primarily demographic and other general information, including the type of union the woman had with a man. In Uganda, women refer to a relationship as “marriage” and a male partner as “husband” even when the couple is actually cohabiting. During this part of the interview, I tried to establish the legal status of the partnership. On the second visit, we would ask questions in Part II, which asked about social norms, including gendered beliefs and practices, as well as knowledge about women’s rights. Part III, typically in a third visit, was more specifically about violence against women; opinions about what types of violence women would report and to whom; and what women hear from the media and other sources about VAW and rights. I typed notes on my computer throughout interviews.

In addition to women in Kyegwelede, during this time I developed a relationship with Jane and her family who live an hour outside of Kampala. Her case was the only one I knew about that was actually using the Domestic Violence Act in court. I accompanied her to courts, legal aid providers, and police and share her story in Chapter 6.

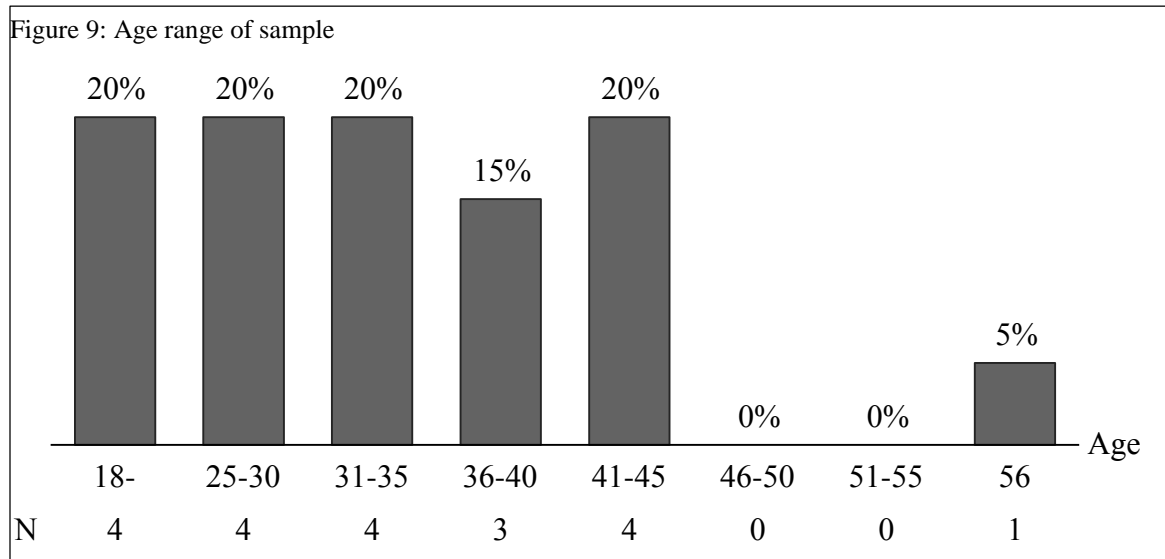
Sample

Appendix III provides a list of the 20 women in my sample, by pseudonym, with brief descriptive information. This includes 19 women in Kyegwelede, and Jane, outside Kampala. The sample is diverse by age, educational levels, ethnicity, home districts, and, religion. I detail these demographics below and provide details in tables. I did not ask each woman every question, therefore the total number reported on specific issues varies.

Age

The 19 women within Kyegwelede ranged in age from 18 to 45. Estimating that two women who said they were in their “30’s” were both 35, the average age of women

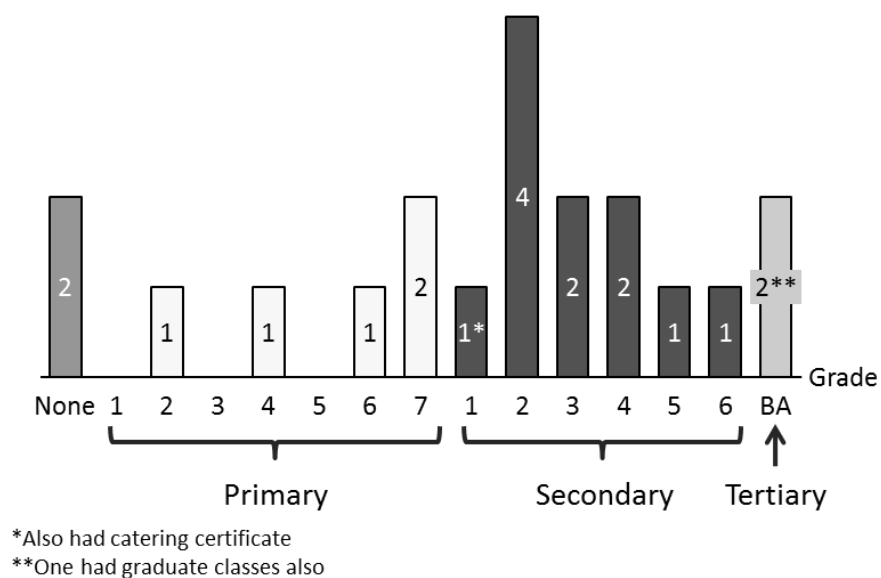
in Kyegwelede was 32 years. Jane, outside Kampala, was age 56. Including her the average age of women I spoke with was 34.



Education

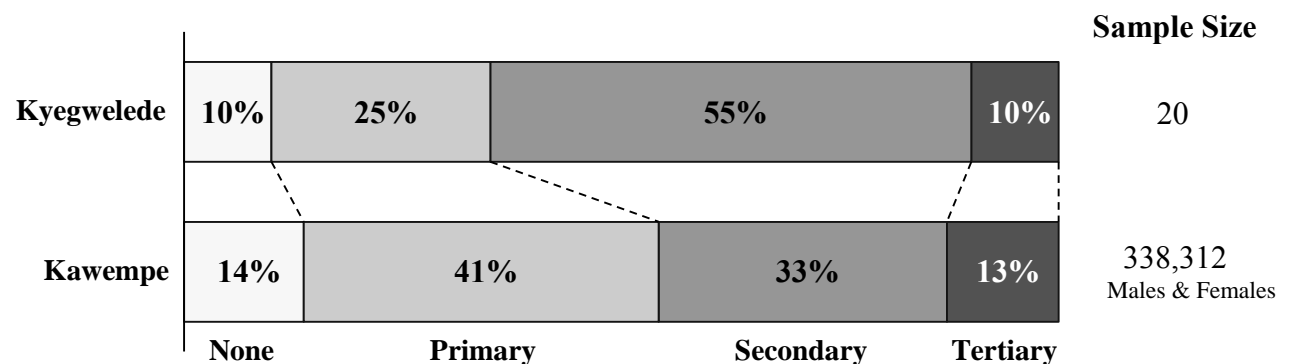
Of the 20 women in my sample, two had no formal education, while two had graduated from university. More than half (11) had some secondary education. English is the language of instruction from early primary school.

Figure 10: Education levels of sample, N=20



A comparison of the educational levels of my female only sample with data available from Kawempe Division for all males and females indicates that my sample was better educated than the overall population. This likely indicates that women with higher levels of education were willing to engage with an outsider, and it was easier for me to get to know women who spoke some English. Figure 11 provides this comparative data.

Figure 11: Comparison of Education Levels



Religion

My sample reflected the religious diversity of the larger region, with a slightly higher number of Muslims, and fewer Catholics. Figure 12 below describes my sample and Figure 13 shows the religious diversity for the larger Parish area.

Figure 12: Religious diversity of sample in Kyegwelede

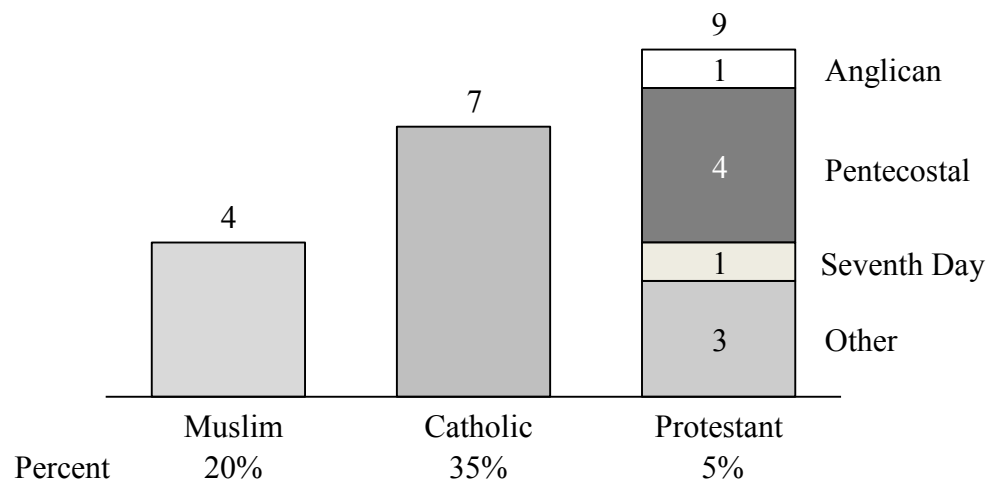
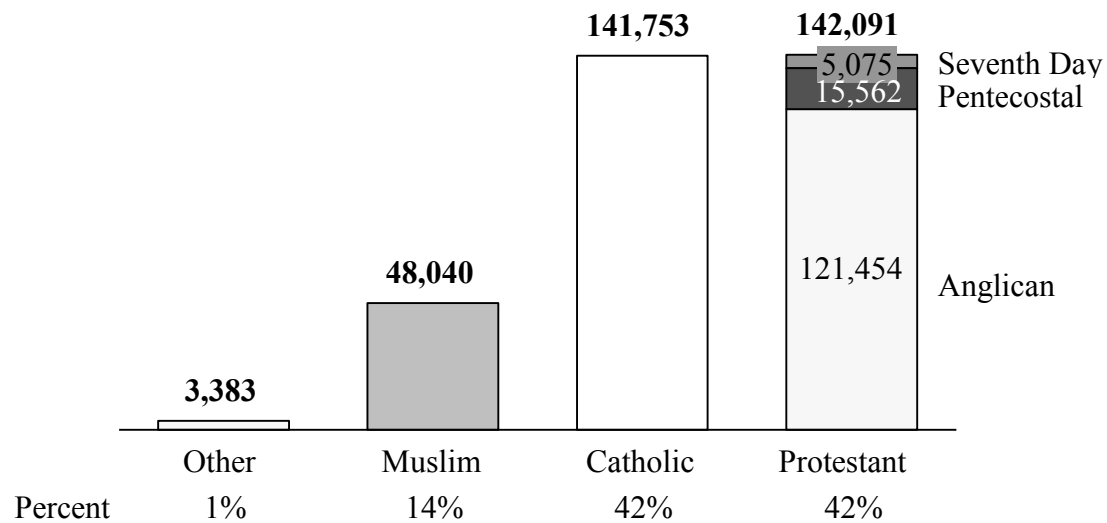


Figure 13: Religious diversity of Kipapali Parish (2014 UBOS)



Marriage status

Within my sample of 20 women, six, or 30%, likely could meet a legal definition of marriage in court.²⁸ Two were married in a church or mosque, and four had customary “introduction” ceremonies where bride price was paid. Not all customary marriages in my sample are registered, a requirement for legal marriage. In the case of Jane, in lieu of the marriage being registered the lawyer is trying to use a statement from her father that the customary marriage took place. I am counting her here as one of the customary marriages. The remainder of my sample, 14 women, or 70%, are legally “cohabiting.”²⁹

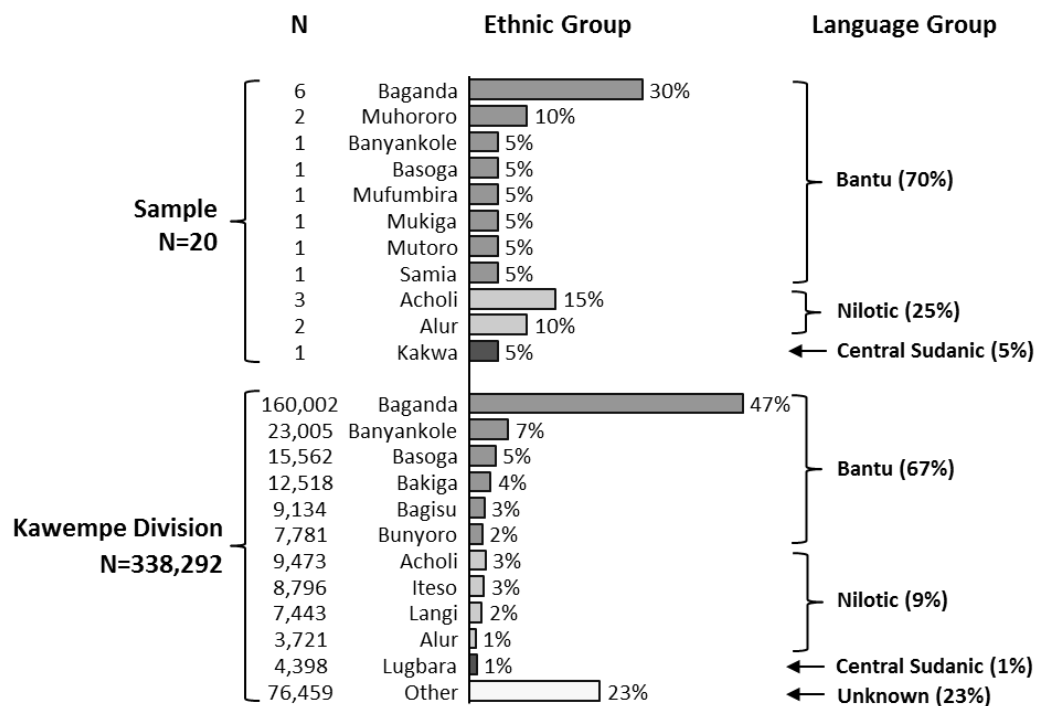
Of these 14, in five of the relationships the male partner had some level of contact and/or exchange with the family, but did not complete the marriage process. In two cases, the man had a formal visit with a representative of the woman’s family, and for three

²⁸ This includes Rita who is now separated.

²⁹ As mentioned earlier, women (and men) still refer to these relationships as “marriage,” and use the term “husband” and “wife” irrespective of legal status. I adopt local terminology except where it is important not to.

northwest Central Sudanic groups; and the remainder, 70% (14) from a range of Bantu-speaking groups, which make up most of the country. Compared to Kawempe District demographics, my sample had higher representation from northern groups than represented by the district at large. Demographic information for Kawempe Division, reflects that only 10% of the population are from northern ethnic groups, although, a considerable number are in the “other” category for ethnicity. I placed these in an “unknown” category in terms of language group. There are no statistics for Kyegwelede itself; however, there is a considerable population of northerners in the community.

Figure 15: Comparison of Kyegwelede & Kawempe Division Ethnic and Language Groups



I conducted two sessions of focus groups with two groups of women at the end of Phase II in Kyegwelede to explore more about the concept of “respect” and “men as head of the household.” In each case one woman I had interviewed offered to gather some friends for the discussion.

Towards the end of my research, I began acting as an advocate with two women who lived in Kyegwelede at police, legal aid providers, and magistrate courts. I remained engaged with these women even after moving from my house in Kyegwelede. I also provided loans for two women. One was to Saleema, during the time I lived there. The other was to Grace, when my research was just completing.

I experienced the social awkwardness that many ethnographers describe, struggling, for example with how often to come into the courtyard at night when I heard neighbors outside talking. I worried that if I stayed in my house I would be seen as unfriendly; and, if I went outside it would be intrusive, particularly because they would have to shift to English instead of Luganda. I was typically exhausted at the end of the day, and by 7pm needed some “down time.” In the end, that was my general fallback – I was outside, moving around the community, talking to my neighbors almost the entire day, but around dark, I went inside and closed my curtains. Later, even when I did have solid relationships with my neighbors, I continued this pattern most days and they understood that I was using the time to work alone.

By the time I left, my neighbor Barbra had become my second research assistant, and my neighbor Linda and I were friends. These two were already friends. While I lived there we had a couple of dinner parties together, and one “ladies night out” to a nearby restaurant featuring music and dancing and we visited often sitting outside during the day while Linda cooked, or while drinking tea in my house. While these were my young friends (in their 20s); I also spent time with Irene, beyond her chronological age of late 30s in maturity; and Esther, in her 50s. Among our outings was to a *kwanjula* or introduction ceremony, referenced elsewhere. Irene was widowed with young adult sons

who were independent. Her father lived nearby and I visited there with her twice, including once to be part of a Muslim prayer lunch for one of his daughters who had graduated from Makerere University. Esther was a skilled tailor with a large family, including grown children and grandchildren, and 10-year old twins born when she thought she was past child-bearing age. I often sat in her garage where she sewed chatting with her and Irene or others.

Data Collection - Phase III in Multiple Sites

In my *final phase* of research, from September to December 2014, I focused on conducting semi-structured, in-depth interviews with a purposive sample of 15 policymakers, including 5 Members of Parliament, 3 government, 4 donors, 2 UN, and 1 policy-related NGO; and 26 practitioners. Policymakers were particularly difficult to recruit for in-depth discussions and I interviewed fewer of these individuals than I had hoped. Interview guides for policy makers and practitioners are found in Appendix II. I audiotaped these interviews, and typed notes on my computer as I was conducting the interviews.

I also conducted one focus group with staff at an NGO to explore one specific concept related to the power dynamics among and between various actors affecting policy and practice. In early 2015, I continued to collect some data as opportunities arose. Appendix II has all of my data collection tools and Appendix IV has consent forms.

Throughout my research, I also collected documents and reports, tracked social media sites, reviewed literature, and identified newspaper articles with key gender-related themes.

Ethics and Safety

I obtained ethical clearance from Institutional Review Boards of the University of Maryland-College Park, and from Makerere University's College of Health Sciences and the Uganda National Council for Science and Technology.

I observed relevant safety and confidentiality standards that have been developed by the World Health Organization and others working on research relating to VAW (Ellsberg and Heise 2005:39; World Health Organization 2001). In keeping with these standards, I implemented a number of ethical safeguards, including:

- My research was framed as focused on women's lives in the community, including health issues for women, except when explaining my research to women I wanted to interview and to trusted community leaders;
- For the local sector I only interviewed women in Kyegwelede, although I did talk with some men;
- I had a "dummy" questionnaire with questions about women's health with me during all interviews and left this for women who might be fearful about their husbands knowing what we spoke about;
- I protected the confidentiality of research participants by giving each person a code and pseudonym with names in password protected files;
- Research assistants were carefully selected and were trained on rules of confidentiality and on methods of respectfully listening to stories of abuse;
- Interviews were conducted in complete privacy;
- Participants were asked for oral consent for informal interviews and written consent for semi-structured interviews as part of the consent process;

- Participants were told they could stop participating at any time, and/or choose to not answer specific questions and this was repeated several times during the interviews.

Data Management and Analysis

Data Management

I organized my data in two main Excel files. During Phase I, I entered names and contact information as I met people I felt were relevant to my research. This was later coded by type of contact, i.e. Government of Uganda (GOU), Local Government (LG), Member of Parliament (MP), UN, policy (other), Civil Society Organization (CSO), Faith-based Organization (FBO), media, consultant, academic, and, other. I included details about where I met the person, and her/his relevance to my study, with notes relating to possible follow up, such as whether I should conduct an “informational interview” or a “semi-structured interview.”

For Phases II and III, I developed separate data sheets, within the same file, for those I did conduct interviews with, coded by type of interview (community informal or community semi-structured, or policy/practice informational interview or semi-structured). Each person interviewed had a discreet code. All other identifying information was kept only in the excel sheet, which is password protected.

At the end of my research, I scanned the consent forms of women and put these into a password-protected folder on my personal computer. I organized computer files with notes relevant to interviews by type of contact/interview, and referenced with the code only. The majority of my notes were already on my computer, but jottings made in

small notebooks were transcribed so that all notes are on my computer. Data is backed up onto a hard drive, as well as onto the “cloud.”

Data Analysis

I used an iterative, inductive, grounded approach to data collection and data analysis. As my research progressed, I began to understand that while my questions about power dynamics among and between the various actors remained important, for women in Kyegwelede Village, the more pressing questions related to how women negotiate the pervasive structural inequality that persists within customary (and some statutory) law and practices, despite policy that criminalizes VAW and promotes gender equality. I retained my initial research questions and methodology, which I found remained well-suited for the questions I was asking. I initially thought I would conduct local research in at least two, and possibly three, communities. After living in Kyegwelede for several weeks, I realized it would be better to spend more time in a single site.

During the exploratory phases of ethnography at the multiple sites where I was engaged I was constantly reading and re-reading my notes; looking for “rich points,” patterns, and, variances around the performance and practice of gendered norms and practices, while I continued to seek understanding of the dynamics of power significant to my study (Agar 1996 [1980]; Bernard 2006; Dewalt and Dewalt 2002). I often found myself reflecting on similarities and differences between Uganda and the US, as well as in other countries where I have worked. As already discussed, I engaged regularly in reflective discussions about my research with partners and collaborators, allowing for more deductive analyses towards the end of my research, when I began to hypothesize on factors related to women’s access to justice.

A first step towards data analysis was translating audio tapes in Luganda, Acholi and Alur and transcribing them into English. I hired transcribers referred by other researchers on VAW, and spent time with each one to cover issues relating to confidentiality, as well as quality of translation. This process also allowed me to double-check the quality of the interpretation I had been getting during interviews. I asked transcribers to transcribe both the English and the local language, and then compared the English to my own

Figure 16: Coding of notes

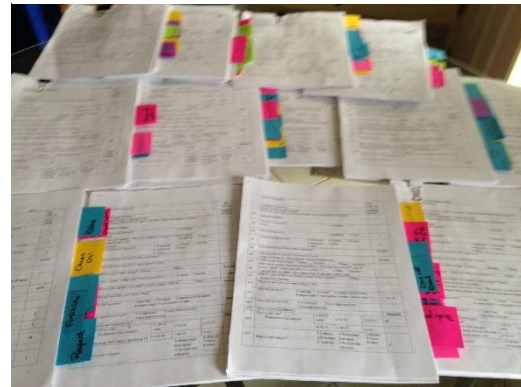
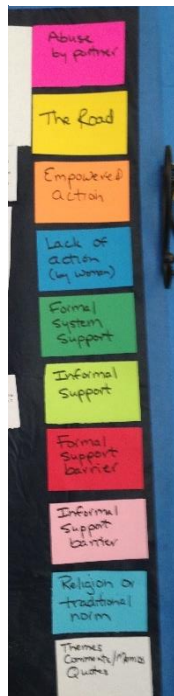


Figure 17: Color coding of themes



notes and recordings. I then printed all transcriptions and other computer notes for each of the 20 women I conducted in-depth interviews with. I started reading; identifying themes inductively until I felt I had the set of “codes” I wanted. I then used colored highlighters and matching sticky notes for each (Figure 16).

I identified three women’s stories I thought best represented women who did not report abuse; and the three women’s stories who had reported abuse. I mapped each of these stories on “*sticky walls*.³⁰” My color coding of themes is seen in Figure 17. I used yellow to create a woman’s life “road;” hot pink for major incidents of abuse; orange for acts of empowerment by the woman; dark blue for lack of action by a

woman; light green for informal system support (e.g. family, friends); dark green for

³⁰ A “sticky wall” is made with a length of rip-stop nylon (a porous cloth) sprayed with adhesive spray – making the entire surface like a sticky note. Notecards/paper can be placed on the cloth and later moved around easily.

formal support (e.g. LC1, police; court); pink for informal system barriers; dark red for formal system barriers; light blue for constraints of religious or social norms; and, white for my own comments and memos, and for quotes from interviews (printed and put on the wall).

As seen in Figure 18, I kept these stories on my walls (transporting them on paper when I relocated from one place to another) throughout my analysis and writing. As new themes or ideas emerged, I put additional memos directly on the walls.

Figure 18: Mapping and coding women's stories



I also created excel sheets with some of the main questions and themes and coded responses for each of the women who had responded to a particular question. This allowed me to see elicited additional themes and patterns.

I identified a selection of the practitioner and policy maker interviews, which I felt offered the richest data, and used AtlasTI to inductively create a set of codes for important themes. I then used these to review additional interviews by reading more quickly through interview notes and highlighting relevant text.

While analyzing data I have emailed and skyped with my research assistants, collaborating researcher, and staff of CEDOVIP to ask questions and to reflect on some of my conclusions.

Funding

My research was self-funded. I was fortunate that my personal costs in Uganda were low; however, because I had taken a leave of absence from my consulting career to conduct research full-time, I needed to be careful with costs. I recruited research assistants who were students willing to be paid a stipend and gain good experience that would be reflected on their CVs. My first research assistant, Carol, was in her senior year of a Bachelor's degree and she worked with me throughout my research in Kyegwelede, typically for about four hours a day. She spoke several languages, including related languages of Acholi, Luo and Alur, as well as Luganda, and English, and had resided in the area for some years. Barbra, my neighbor, had a BA in anthropology from Makerere University and was working on an application for a Master's degree in sociology while she worked with me a few hours a day. She began working with me later in my research to support semi-structured and life history interviews. She spoke Luganda and English. I also used another assistant for a few interviews in Alur that Carol was not able to help with. I recruited four translators for the audio work, who I paid by the page. I rented the house in Kyegwelede. After the first three months it was a month-to-month rental.

Study Limitations

My inability to speak any of the local languages, particularly Luganda – the most spoken, was probably the biggest barrier in my village community research. This prevented me from having the easy dialogue with all women I interviewed that I had with those who spoke English, and, of course, meaning is lost through translation. I compensated for this as much as possible by identifying good research assistants.

As will be discussed below, a woman's need to give respect and to avoid bringing humiliation on oneself or a husband, are significant factors in disciplining personal interactions. While I might have worked to put people at ease, and tried to come across as a non-judgmental listener, I am aware that I only got part of any one person's story, and as an outsider, there were often nuances I did not understand.

In addition, it is likely that service providers and duty bearers acted differently in my presence, and when I accompanied women to see them there is no doubt they often received preferential treatment. If what I witnessed is the "best" the system can provide, assuming that most people tend to try to please outsiders, more than insiders, it is informative towards understanding the substantial barriers and challenges that women face when trying to access justice. There is also the possibility that some providers resented the presence of an outsider and that this negatively influenced the quality of support women received.

Chapter 4: VAW Policy within the Context of Patriarchy

I actually thought last year - I had this deep sense - and this is the thing that frustrated me and made me wonder - all the work we have done all these years - whether on violence against women or whatever - I think at least I had assumed we had moved some steps forward – but last year's debate [about the Marriage and Divorce Bill] I think showed how very deep seated myths and realities around women are – and that people prefer still to have control over women's lives, bodies – hence some of the Acts we have now – the anti-pornography.... the walls of control are just going up every day - getting stronger in the ground.

- A longtime activist

Introduction

Uganda juxtaposes policy and practice to address violence against women against the deeply ingrained context of structural and cultural patriarchy. Legal policies that promote women's rights, gender equality and address GBV include a 2010 Domestic Violence Act (DVA); an indigenous women's movement dating to pre-colonial times (Tamale 1999; Tripp 2000); bilaterally and multilaterally funded projects focused on GBV; and, international and national non-governmental organizations (NGOs) with international reputations engaged in community mobilization to prevent and respond to VAW.

This chapter provides a historical overview of the policy environment, as well as the social and political context within which GBV policies are implemented at the time of research in Uganda. The chapter is based on information from secondary sources and documents, as well as knowledge I generated through the multi-sited ethnography I conducted within policy and practice spaces, as well as in Kyegwelede. Understanding this context supports a critical analysis relating to how women navigate efforts to access justice in their lives.

The chapter is divided into three main sections: the Trope of Patriarchy – Kinship, Social Structure, and Religion; Violence Against Women Policy; and, Violence Against Women Practice. Appendix V also provides some historical context relating to colonialism, post-colonialism, and the development of the women’s movement.

The Trope of Patriarchy – Kinship and Social Structure, and Religion

This section highlights the role of kinship and social structure; and, religion, in the perpetuation of patriarchy as a trope that permeates all aspects of Ugandan society.

Kinship and Social Structure

The landmark Report of the Commission on Marriage, Divorce and the Status of Women 1965 known as the “Kalema Report” because Member of Parliament (MP) Honorable W. W. Kalema chaired the study committee, begins the chapter on marriage by stating: *“Marriage is the normal experience of every individual in any society. It is largely an institution of social fact rather than of law.”* This statement articulates what women embody, as well as the contribution Emile Durkheim made to anthropological inquiry about the coercive nature of “social facts” (2008 [1895]), which are embedded within a society’s kinship and social structure.

As discussed in Chapter 2, the kinship and social structure of all ethnic groups in Uganda are based on patriarchal norms regarding descent, residence, property, and marriage. Social norms, practices, and expectations in the form of gendered roles and responsibilities support these patriarchal principles, even as they evolve in response to the slow, but definitive move towards women’s rights, in response to modernity, globalization, and women’s and human rights movements. This “trope” of patriarchy extends from family to community to nation through customary laws and practices,

which are incorporated into statutory laws, particularly relating to marriage, divorce, and land/property rights. This section explores some of the basic elements of patriarchy within the family setting to contribute to the understanding of the foundation of a patriarchal society.

Among the similar characteristics among ethnic groups in Uganda is the concept of the clan as one of the principle organizing units of kinship relationships. Clans are exogamous groups, made up of a varying number of lineages, where patrilineal ancestry can be traced to a common male relative.³¹ Clan leaders and elders remain significant in family life, particularly relating to property and marriage. Clan leaders can either provide support to a woman in the case of abuse; or, pressure her to “conform” to the “challenges” of marriage to preserve the honor of the family as well as to prevent hardship in the event bride price, if paid, would have to be returned. Where clans have less significance, often it is a smaller lineage that gets involved in constituent family affairs. When I was first introduced to the local government leader in the community where I was conducting research, I was immediately given a clan identity, Nankabilwa, making me the LC1’s sister.

In Buganda and some other Ugandan cultures, a young woman has a special relationship with one of her father’s sisters, her *ssenga*, who provides sexuality education from puberty; negotiates the first introduction of a potential husband to the family; and provides relationship advice throughout her life. For many women their *ssenga* is the first, and often only, person with whom they share marital problems. On advice of the

³¹ I use the term “clan” as it is used in Uganda. While anthropologists might distinguish clans and lineages by whether or not there is a known “head” of the lineage, with clans characterized by apical ancestors, in Uganda, particularly among the Baganda, there is an effort to trace male relatives back to original ancestors and the ability to recite the male lineage of your clan is important. Whether or not the ancestor named is real or not is not known.

ssenga, a woman might “endure” abuse in a relationship or seek further help. According to Muyinda, et.al. (2001:356)³²:

The word *senga* literally means ‘if’ — implying that if one's father's sister — *senga* — was a man, she would also be one's father. *Senga* were therefore looked at traditionally from the perspective of the man's lineage. In essence, the *senga* was a female father.

Similar to the *ssenga*, a boy's mother's brother is his *kojja*, and will have a special relationship with him relating to his marriage. This person might be a source of help to a man's wife when the man does not behave well.

While many women do have traditional *ssengas*, in contemporary urban Kampala, the concept of “*ssenga*” has also become “commercialized” and there are women who advertise “*ssenga*” services. In Kyegwelede, a group of women told me they had participated in classes with a woman in the community who teaches things such as how to be a proper wife. The same is true for *kojja* services. There are also popularized internet sites, such as on Facebook under “*ssenga ne kojja*” that offer “sex advice.”

The role of marriage as an exchange between two groups (Mauss 2002 [1950, 1990]) is deeply engrained across Ugandan cultures, marked by payment of “bride price” or “bride wealth” by the family of the man to the family of the woman. Details about the type of exchange and its interpretation vary across ethnic groups, with changes affected by colonization, modernization, and international women's rights agreements that frown on the practice.

Existing legislation governing marriage and divorce includes an array of dated laws that were developed along racial and religious divides.³³ They include:

³² Muyinda, et.al, use a single “s” to spell “*ssenga*,” however, most literatures use a double “s,” which I have adopted.

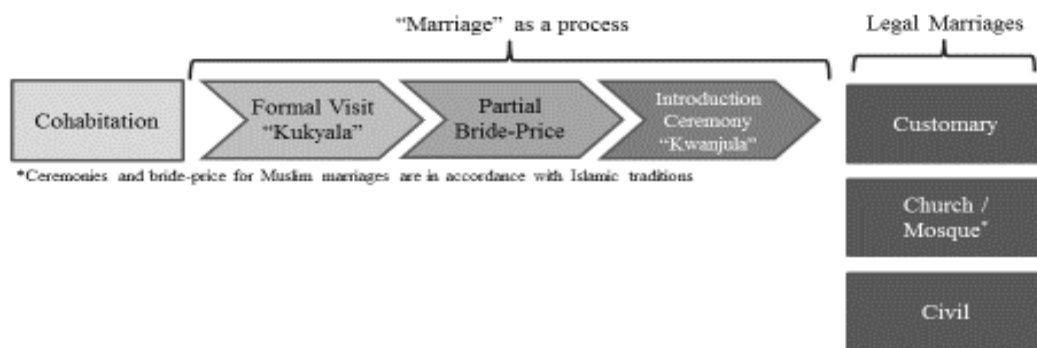
- the Marriage Act 1904, covering church or civil marriages;
- Marriage of Africans Act 1904, specifically for Christians and Muslim Africans marrying in a church or mosque; t
- he Marriage and Divorce Act of Mohammedans Act 1906;
- the Hindu Marriage and Divorce Act 1961;³⁴
- the Customary Marriage (Registration) Act 1973 for non-church/mosque marriages;³⁵
- the Divorce Act 1904;³⁶and,
- the Succession Act 1906, which outlines what happens to property in the case of death or divorce.

In 2014, there were three types of legally recognized marriages in Uganda:

customary, religious (church or mosque), and civil. All require registration, although many who marry according to customary traditions do not take this step. Only customary marriages allow polygyny.

The marriage agreement among the various cultures in Uganda is understood as a process, not a singular “event.” While each culture within Uganda has its own customs, those of the Baganda serve as an example of the marriage process. The first step is the formal introduction of a man to a woman’s *ssenga*, through a visit called *Kukyala*.

Figure 19: Marriage as a process



³³ All laws in Uganda are available on the website of the Uganda Legal Information Institute (www.ulii.org).

³⁴ These laws accessed on 10/10/15 at: http://www.ulii.org/indexpage/consolidated_act/2449.

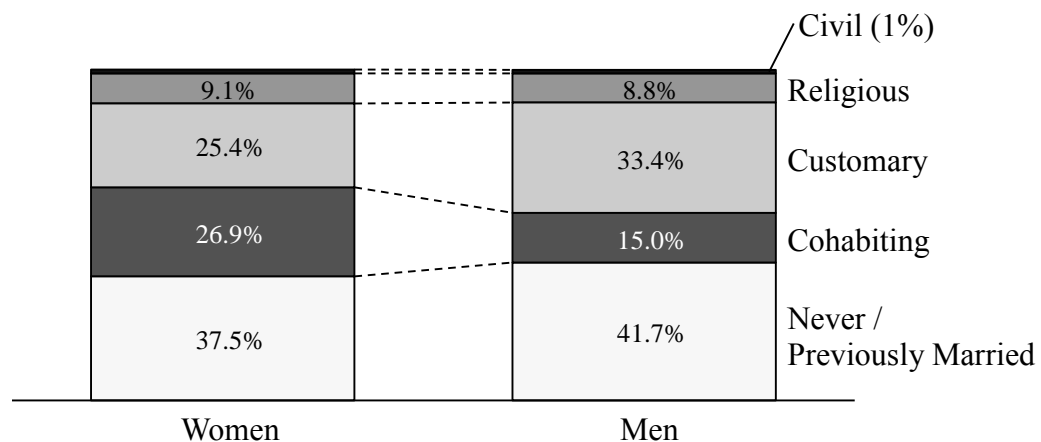
³⁵ Accessed on 10/10/15 at: <http://www.ulii.org/ug/legislation/consolidated-act/248>.

³⁶ Accessed on 10/10/15 at: <http://www.ulii.org/ug/legislation/consolidated-act/249>.

The man may bring small gifts but essentially this is a meeting where he becomes “known” to the family through the *ssenga*. A marriage is finalized in the *kwanjula*, or “introduction” ceremony, where the agreed upon bride price is given by the man’s family to the woman’s in exchange for rights over the woman and children³⁷ produced through the marriage. Figure 19, above, shows a potential progression from cohabitation to legal marriage. The “box” for cohabitation signals that this is often a “terminal” state for a relationship. In present-day times, many couples are not formally married, even if they call their relationship “marriage” and refer to a partner as “husband” or “wife.”

In 2011 the Uganda Demographic Health Survey (UDHS), which asked about “current” marriage status, found that slightly more women were in cohabiting relationships than any other form of marriage, as reflected in Figure 20, below (Uganda Bureau of Statistics and ICF International Inc. 2012:48).

Figure 20: 2011 Marriage Status in Uganda (UBOS/ICF 2012:48)



A religious marriage does not require any of the customary steps of marriage, but many, if not most, couples proceed through the same cultural rituals and merely add the church or mosque ceremony at the end. Civil marriages are rarely utilized in Uganda.

³⁷ Some ethnic groups require additional gifts for rights over the children.

The main reasons women told me that they are not legally married were the financial barriers to bride price and/or the unwillingness of a man to formalize a relationship. Often men only manage to do the *kukyala*, or he may pay part of the bride price. Thus, the “continuum” from cohabitation to legal marriage often takes place over many years. Many men promise to complete the process but never do. As discussed in the next chapter, in addition to having polygynous relationships, men often leave one woman to partner with another, which may explain why as women age, they are less likely to be in a marriage union. The 2011 UDHS survey indicated that while only 62% of women ages 45-49 are “currently in a union,” 91% of men the same age are “currently in a union” (Uganda Bureau of Statistics and ICF International Inc. 2012:48).

In present-day times, the *kwanjula* often includes an elaborate ceremony. The bride price will include the customary “*gomesi*” outfits for the mothers and “*kanzu*” (tunics) for the fathers, but likely also includes other items demanded by the bride’s family. I attended one introduction ceremony as part of the groom’s cotillion. My attendance included having a *gomesi* made, as I was told no one is allowed entrance without proper attire, and I helped Irene, who was related to the groom, buy and transport the television she was gifting him as a contribution to the bride price he had agreed on with the bride’s family. On the appointed day, we joined the caravan of vehicles carrying the ceremony attendees, as well as loads of furniture, electronics, baskets of specified foods, and numerous other items, to be presented to the bride’s family. Just before arriving, we stopped and everyone got out of cars to allow for some last minute fundraising from the groom’s entourage to pay for “unexpected expenses” – all part of modern approaches to the escalating cost of getting married. From our arrival, through

the ceremony, and the meal after, there was both serious ritual and fun, with these intertwined in ways I understood to symbolize disciplining structures that are part of establishing alliances between two families and their clans. As an example, on arrival, there was a “health inspector,” dressed as a “nurse,” who checked the appearance and health (symbolically) of each person waiting to enter the ceremony space. The “nurse” reported this information to the woman’s family, already seated on their side of the courtyard, before giving each guest a lapel pin (with the bride and groom’s picture) that signified permission to enter. I was also told of fines that can be levied by the bride’s family against the groom’s for social infractions. I did not learn how these are collected, however, they were communicated as important parts of the ritual. Again, I understood these as having the bride’s family communicating a level of discipline and authority on the groom’s family.

We entered to a beautifully decorated courtyard with Christmas-decoration style lights adorning poles of the tents that lit up when it got dark (see Figure 21). A hired

“master of ceremonies,” entertained throughout, while two men dressed as soldiers, paraded up and down with antics that kept the families in good humor. There

Figure 21: *Kwanjula* (Introduction) Ceremony



in

was a long ritual of public negotiation relating to the marriage that engaged each family's representatives, and family members. Finally, the bride and groom exchanged vows, cut a cake, and, a meal was served. While ceremonies such as this are highlights for women who celebrate them, there are many aspects of the ritual that are bothersome to women's rights activists.

Advocates have been working since the 1965 Kalema Report to reform laws relating to marriage, divorce, and inheritance to better protect women's rights and to ensure religious and racial equality. The first draft Domestic Relations Bill (DRB) to accomplish this was developed in 1980; however, it was only presented to Parliament in December 2003. It then languished until 2005 but was again tabled in response to the strong objections of the Muslim community, in particular, which wanted to retain its own jurisdiction over Muslims in matters of marriage and divorce (Kiwanuka 2008:13-16). The goal of the bill was to consolidate the varying laws under one piece of legislation; and to bring all marriage, whether customary, civil, or religious, in line with the equal rights of men and women outlined in the Constitution of 1995. Points of contention have included the minimum age of marriage; polygamy (pitting women's rights activists against traditionalists and Muslims); bride price; property rights; and issues relating to cohabitation and marital rights (with conflict between those saying only women legally married have matrimonial rights and those advocating the opposite).

The languishing DRB was ultimately divided into three parts. The first part addressed domestic violence, and this section became the Domestic Violence Bill, which passed relatively easily once it was brought before Parliament in 2010. This can be credited to activists who had worked for years to pave the way for this victory. Another

section became the Administration of Muslim Personal Law, which is still pending. The remainder was renamed the Marriage and Divorce Bill, which was last seriously debated by Parliament in 2013. MPs were asked to hold community dialogues on the revised bill during the last two weeks of March 2013 and to report back to Parliament. These meetings produced vitriolic debate and discourse about “traditional culture” pitted against “Western human rights and modernist agendas;” the influence of *Bazungu* (whites); and, the role of “rich educated women in Kampala” (The Observer, 24 March 2013).³⁸ President Museveni was reported to have “killed the bill” with his statements that included: “Respect culture. The white man can come in [the country with the money] to do politics, but we shall not allow them to distort culture” (The Observer, April 10, 2013).³⁹

My research began just after the height of the debate around the Marriage and Divorce Bill in 2013. The quote at the beginning of this chapter is indicative of the mood of many within the women’s movement. While enthusiastic about the DVA and other gains made, overall women felt deflated in the pursuit of gender equality

As noted above, while customs around bride price differ by ethnic group, the practice itself is universal and in the majority of cases the indicator of “marriage,” rather than cohabitation. Women’s rights groups, globally and nationally, have challenged the tradition of bride price as a practice that promotes gender inequality and patriarchal attitudes (MIFUMI 2004; UN CEDAW Committee 2010). A primary objection to bride price is that it equates a woman with property that can be owned, and exchanged. In addition, among most ethnic groups in Uganda, if a woman leaves her husband her family

³⁸ Accessed October 9, 2015. <http://allafrica.com/stories/201303250423.html>.

³⁹ Accessed October 9, 2015. <http://www.observer.ug/component/content/article?id=24679:-marriage-bill-how-museveni-killed-it>

must return the bride price, which has often already been consumed or used. This makes it even more difficult for women to leave abusive relationships. In addition, as part of modernization, bride price has become commercialized and demands have dramatically increased, particularly when a woman is well educated. The *kwanjula*/introduction ceremony I attended was an example. The customary bride price among the Baganda (*Omutwalo*) was the clothing already described, beer, and some food, not furniture, and electronics. For all these reasons, there have been efforts to reform the practice of bride price, including trying to ban the custom altogether, limiting the value of what can be asked for, and eliminating the requirement to return bride price if a marriage fails. The international NGO, MIFUMI, based in Tororo in Western Uganda, has led these efforts since 1999 in Uganda.⁴⁰ In 2001 the organization spearheaded a public referendum on the question of whether or not bride price should become a non-refundable gift (with 60% in favor of this reform) and in 2004 convened an international conference attended by 150 experts from 18 countries, to discuss intersections of bride price, gender inequality, violence against women, and other related issues (MIFUMI 2004:5-8). In 2007, MIFUMI petitioned the Constitutional Court to declare bride price unconstitutional but the Court ruled against the petition. MIFUMI's appeals paid off this year, when in August 2015 the Supreme Court ruled that while bride price itself is not unconstitutional the tradition of requesting its return when a relationship ends is. While only a partial success, the ruling is considered an important step towards change.⁴¹

⁴⁰A timeline of MIFUMI's efforts is found at http://www.mifumi.org/about_info.php?page=achiv.php, accessed October 11, 2015.

⁴¹ The ruling has been reported throughout the global media, and the detailed ruling can be found at <http://www.ulii.org/ug/judgment/supreme-court/2015/13>.

As will be discussed later, for the majority of women I interviewed, bride price had not been fully paid, and women lament this even as they acknowledge the problems inherent in bride price customs. For many women, payment of bride price signifies “respect” by her husband and his family, and is indicative of her value. Not paying it not only signals being taken for granted, but under current customary and statutory law, a woman who is not “married” does not have the right to claim any of the matrimonial property unless her name is on the property deed, which is unusual. At any time, a man can tell her to leave a home that she may have helped to build, and that she has supported; and, often, although this varies by culture, he can insist that children over the age of six go with him. Honorable Miria Matembe, a well-known feminist activist and former MP, was the guest of honor at the 2004 MIFUMI conference and is quoted in the conference report as saying the following (2004:22):

Women perceive Bride price as something that gives them value. Women in Africa have generally been regarded as valueless and their value is attached to how much they fetch in form of Bride price and how many boy children they produce for the husbands. So as long as women do not get a substitute that gives them value they will continue to defend the institution of Bride price. My recommendation therefore is that we struggle hard for women’s education, which will give them economic empowerment, and knowledge of their rights as full human beings.

Religion in Support of Patriarchy

I strongly believe in the Bible – I strongly believe that in every society there is hierarchy of leadership. I strongly believe that even if I was older than my husband, even if I was richer than my husband, the fact that I chose to get married – I had already decided on what the leadership in my family would be – that is the man first and the mother second. You took a decision by the time you got married – if you didn’t want to be subordinate in the marriage then you should never have gotten married at all. That is my own personal assessment – that at the moment I chose to get married I determined the hierarchy in my marriage.

- High level Member of Parliament

A 2009 study by the Pew Research Center's Forum on Religion & Public Life on Islam and Christianity in sub-Saharan Africa reports that in just over 100 years, from 1900 to 2000, the landscape of religion in sub-Saharan Africa has dramatically changed. Citing the World Religious Database, the report states that prior to 1900, approximately 15% of the population identified as either Muslim or Christian, with the vast majority of people practicing a form of "traditional religion." In 2009,⁴² 86% of the 25,000 persons interviewed (in-person, in 60 languages/dialects) were Muslim or Christian, termed "imported monotheistic Abrahamic religions." Significant findings among those interviewed in Uganda include (Pew Forum on Religion & Public Life 2010):

- 99% are either Muslim (11%-13%) or Christian (84%-89%);⁴³
- 86% say religion is "very important in their lives;"
- 27% believe sacrifices to spirits or ancestors can protect them from bad things happening;⁴⁴
- 62% of Christians say yes to the question: "Do you believe...Jesus will return to the earth during your lifetime;"
- 64% of Muslims say yes to the question: "Do you believe...the caliphate will be re-established to rule in your lifetime;"
- 71% of Christians and 74% of Muslims believe the Bible/Koran is the "literal word of God;" and,
- 77% "are absolutely convinced of God's existence."

While among sub-Saharan countries in the Pew study Uganda rates lower than most in terms of "intensity" of religious beliefs, overall the majority of Ugandans have strong beliefs in religion and, as reflected in statistics, take the Bible and Koran literally.

Both the Bible and the Koran ascribe maleness to "God" and both Jesus and Mohammed were corporeally male. Both ascribe a superior role to man, with woman "*following*," and in the case of the Bible, woman is fashioned out of man's rib.

⁴² Interviews were conducted from December 2008 to April 2009.

⁴³ The report cites surveys including 2009 Pew Forum (86% Christian, 13% Muslim); 2002 Uganda Census (84%, 12%; 2006 UDHS (87%, 12%); and, Afrobarometer (89%, 11%).

⁴⁴ Many people throughout Africa retain beliefs from African religions even if they are Christian or Muslim.

As reflected in the Pew study, prior to colonialism, the majority of sub-Saharan Africa practiced various forms of African religions. While there is wide variation in these religions, John Mbiti, a scholar of African religious beliefs, makes the points that across these beliefs, “God is completely other” and “The overall picture of God is that of One who is above gender classification, neither male nor female” (Mbiti n.d.).⁴⁵

The intersections between hegemonic Western religious beliefs, colonialism, capitalism, globalization, and patriarchy are evident and supported by scholarship (Tamale 2014), as well as in everyday discussions in Uganda, as will be seen in some of the narratives in Chapters 5 and 6. The continued role of Western hegemony is also witnessed in the connection between religion and homophobia in Uganda that is based in US right-wing Christian efforts to proselytize across Africa, and resulted in the Anti-Homosexuality Bill in 2014 that briefly was signed into law.⁴⁶

Addressing the role religion plays in promoting gender inequality (including homophobia) and domestic violence has been important globally. Considerable work has been done across religious faiths to both reinterpret harmful texts and to engage religious leaders in addressing domestic violence in positive ways. In Uganda, this work has been embraced by a number of organizations, representing Catholic, Protestant, and Muslim faiths. Nonetheless, I was unprepared to hear the response of a group of women activists when I asked whether this work included neutralizing the gender of “God” and they

⁴⁵ Accessed on 10/23/15 at <http://www.afrikaworld.net/afrel/mbiti.htm>.

⁴⁶ There has been substantive documentation of the connection. Some can be found at the following website: <http://www.motherjones.com/politics/2014/03/scott-lively-anti-gay-law-uganda>; <http://www.independent.co.uk/news/world/africa/how-uganda-was-seduced-by-anti-gay-conservative-evangelicals-9193593.html>; nytimes.com/2010/01/04/world/africa/04uganda.html?_r=0; <http://www.ibtimes.co.uk/kato-uganda-gay-lgbt-bill-295106>; <http://www.publiceye.org/magazine/v24n4/us-christian-right-attack-on-gays-in-africa.html>

looked at me in surprise – and then at each other – for never having considered this before. For me, this summed up the depth of patriarchy in Uganda.

Violence Against Women Policy

In 2014, Uganda’s legal and policy framework has numerous provisions that promote women’s rights and gender equality, as well as legislation that specifically addresses violence against women. This section will touch on some of the most relevant aspects of this for my research. I will start with the international sector.

International

Uganda has been an active participant in global and regional conferences, and a signatory on most relevant human rights treaties and conventions. Even under Presidents Milton Obote (1966-1971; 1980-1985) and Idi Amin (1971-1979), whose regimes are infamous for their human rights abuses (Decker 2014; Rowe 1992), Uganda was represented at all of the UN world conferences on women (Mexico City, 1975; Copenhagen, 1980; Nairobi, 1985; and, Beijing in 1995). Uganda has ratified or acceded to⁴⁷ all but one of the UN human rights treaties and conventions sponsored by the United Nations (UN), all of which relate indirectly to violence against women.⁴⁸ In addition, as a member of the UN, Uganda is bound by the several significant global agreements relating specifically to VAW developed since 1993. The African Union (AU), the international

⁴⁷ Legally "accession" and ratification are the same. "Accession" means a state accepts being party to a treaty that other states have signed. Ratification is when a state signals consent to be bound to a treaty. Being a "signatory" does not bind a state to a treaty, however, it indicates willingness to proceed towards accession or ratification. Source, accessed October 17, 2015: treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml.

⁴⁸ UN human rights instruments did not directly address women’s human rights or violence against women until the Vienna Declaration and Programme of Action (PFA) that came out of the 1993 World Conference on Human Rights held in Vienna, Austria (Dauer and Gomez 2006).

representative body for all African states, also sponsors human rights agreements.

Appendix VI provides more details on these.

The Commission for the Status of Women was created in 1946 under the Economic and Social Council to monitor and guide the UN's work on women's rights. An annual global meeting in New York provides an opportunity to review country progress on the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the Beijing Declaration and Platform for Action. Countries that have ratified CEDAW are required to report every four years on progress made toward gender equality and CSOs are invited to submit "shadow" reports that ensure that concerns and perspectives of women are also reported. Uganda has been an active participant in periodically reporting progress.

As noted in Chapter 2, anthropologists are among the scholars who have documented and generated knowledge about the role of transnational UN processes in moving forward women's and human rights. Among the contributions Sally Engle Merry has made is the understanding that while GBV/human rights policy and practice are diffused through transnational processes, they are re-defined within varied national and local contexts as countries and communities determine their own legal and policy frameworks, services, and messaging. The role of NGOs and activists in their role as "translators" in the "middle" is significant (Merry 2006a).

Seeking to understand how these dynamics played out within Uganda, I attended an Africa-wide pre-CSW consultative gathering of Ministers of Gender and Women's Affairs from African Union Member States in Addis Ababa, Ethiopia, organized by UN

Women, now the CSW Coordinating Agency, in February 2014.⁴⁹ I was a self-sponsored member (identified as a researcher) of the Uganda delegation that included 11 representatives, including the Minister for MGLSD, plus three other government representatives, three UN experts, and four civil society representatives. The purpose of the meeting was to develop an “Africa position for strategic advocacy at the 58th CSW meeting” focused on reviewing progress on the MDGs, accelerating achievement of the current MDG targets, and, generating consensus on a post-2015 gender transformative agenda. As part of the process, delegates were reviewing and making recommendations on the AU’s Africa Common Position (CAP), developed by the High Level Committee on the post-2015 development agenda, chaired by Liberian President Ellen Johnson Sirleaf, and approved by Heads of States (African Union 2013). On seeing the 5-pillar post-2015 development agenda that appeared gender-blind, women’s activists, and government actors who focus on gender issues, had rallied around the need for a stand-alone goal focused on gender equality and women’s empowerment as well as the need to more adequately integrate gender into all 5 pillars. It is well understood that without this kind of international pressure to meet goals of gender equality, governments will not prioritize the issue. During the meeting I sat next to the UN Women and UNFPA delegates, both Ugandan, and one a long-time women’s rights activist. With my computer on my lap and with internet access, I supported their roles of providing information as needed to government leaders who were the primary spokespersons, as well as working to massage government’s messages to include as much rights-based language representatives would tolerate. The meeting started with a reminder about the changing

⁴⁹ The meeting was held in collaboration with the UN Economic Commission for Africa (UNECA) and the AU.

role of “experts” (UN) as government actors have come into their own in leading their countries on issues of development. Indeed, Uganda’s government leaders were anxious to ensure that their voices were independent of the “Western influence” that is often associated with both UN and civil society. I sensed I was witness to a Foucauldian silencing of CSOs that was reflected in an acceptance of the need for government to take the lead in articulating the country’s position; an understanding of potential backlash if their opinions were expressed too adamantly; and fatigue with a process that sees little impact. This point was further driven home when several months later, Rita Aciro, Executive Director of the Uganda Women’s Network (UWONET), was attending an important meeting at the MGLSD as the umbrella women’s CSO representative, and was asked to leave by request of the Permanent Secretary (PS). An alert on the UWONET listserv,⁵⁰ and a follow-up press conference by women activists, covered by the media,⁵¹ related the concern that Rita, was being targeted because of the press conference her organization had organized the prior year condemning the PS’s appointment to the Ministry of Gender based on accusations against him for theft at his prior appointment.

Umbrella CSOs are provided funding to attend international meetings, with the assumption that they bring to the table the voices and views of membership organizations; which in turn are assumed to represent the voices and views of local constituencies – the women and men policies are meant to positively impact. The “invisible web of power” (Foucault 1982) that effectively polices the active participation

⁵⁰ Accessed on 10/21/15 at: <http://ugandansatheheart.blogspot.com/2014/06/uah-why-bigirimana-arrested-rita-aciro.html>

⁵¹ Story covering the press conference accessed on 10/21/15 at: <http://www.newvision.co.ug/news/656845-bigirimana-says-leading-activist-was-not-arrested.html>

of activists in policy making forums, adds yet another layer of silencing to those even further from places of influence.

In the Addis Ababa meeting, Uganda's government was one of three countries (along with Nigeria and Malawi) that objected to the use of reproductive and sexual "rights" discourse in framing the Africa position statement for the 58th CSW meeting. At the same time UN experts continued to try to insert language that would not water down "rights" that they and other country delegates, particularly those from South Africa, pointed out had already been agreed to through the Maputo Protocol, CEDAW, and other conventions. Nonetheless, Uganda's government, which was in the aftermath of passing, and not yet repealing, the Anti-Homosexuality Act, and which has a strong stand against abortion, remained adamant about its position.

Testimony to the limitation of international policy is cited in a recent report about the state of human rights defense in Uganda, which states the following (Human Rights Centre Uganda 2013):

Uganda has ratified most of the crucial conventions at the international and regional levels. This ratification comes with legal obligations which on many occasions, states have not effectively translated into national laws. Furthermore, the repercussions for non-compliance are limited and are subject to sovereignty of the state among others. Only a few cases have been adjudicated on the basis of Uganda's international legal obligations. The low incidence of this kind of litigation affects the ability and willingness of HRDs [human rights defenders] to rely on these international instruments. The research established that there was very limited knowledge on these instruments, and what they mean for Uganda as a signatory.

This notion of policy without implementation is also echoed in the 2014 8th Alternative Report by CSOs on the implementation of CEDAW in Uganda. The report reiterates previous recommendations to government to conduct a study about remaining laws and practices that are discriminatory to women; to take action on those that have been

highlighted already; and to take steps to enforce existing legislation (UWONET 2014a:10-11).

Further testimony to the increasingly constricted human rights environment within Uganda, despite international agreements, are the bills Parliament has deliberated on over the past two years, and Acts that Parliament has passed. These include the following:

- Public Order Management Act (POMA) of 2013, which restricts rights to public assembly and freedom of expression;
- the Anti-Pornography Act of 2014, dubbed the “mini-skirt law” after Minister of Ethics and Integrity, Simon Lokodo, who was cited as saying that women who wear “anything above the knee” should be arrested under this law;
- the HIV Prevention and Control Act of 2014, which contrary to all human rights standards criminalizes transmission of HIV, includes mandatory testing for pregnant women and their partners, and allows medical providers to disclose a patient’s HIV status to others;
- the Anti-Homosexuality Bill, which briefly became an Act in 2014, but was then overturned by Uganda’s Constitutional Court because there was not a quorum when the bill was voted on; and,
- the Non-Governmental Organization (NGO) Bill of 2015, which civil society organizations fear will curtail any activity the government decides is not in the best interest of the country.

The context for this is discussed below.

National

President Yoweri Museveni has been President of Uganda since 1986 when he replaced former President Milton Obote, who had been overthrown in a coup by his own army. Museveni had led a guerilla resistance movement – the National Resistance Army/Movement (NRM/A) - against Obote since 1981. Aili Mari Tripp, a professor of political science, gender and women studies, and well-known and prolific scholar of women and politics in Uganda, describes Museveni’s administration as a “hybrid regime,” defined as follows (2010:1):

Their leaders adopt the trappings of democracy, yet they pervert democracy – sometimes through patronage and largess, other times through violence and repression – for the sole purpose of remaining in power. ...Hybrid regimes embody two divergent impulses: they promote civil rights and political liberties, and yet they unpredictably curtail those same rights and liberties.

In keeping with this, Museveni took on gender equality and women's empowerment as centerpieces of his reign in the 1980s and early 1990s, even as structural patriarchy continued to discipline the women's agenda. The 1995 Constitution, in particular, includes specific language ensuring women's rights and gender equality. The Constitution heralded optimism and hope, palpable in documents and reports from the mid-1990s. Yet, in 2014, most analyses report that achieving true gender equality remains elusive in Uganda (Benedetti and Kijo-Bisimba 2012) and that the women's movement, while still vibrant, is not making the progress expected (ISIS-WICCE n.d. [2014]). While activists I interacted with believe affirmative action has been critical for women's advancement; most also see this and other policy efforts by Museveni's regime to promote women's equality as more about positioning Uganda within the global economy as a country that is "pro-women;" not about advancing true gender equality. Efforts have also been seen as seeking the patronage of Ugandan women to the President's political party, the National Resistance Movement (NRM) (Tamale 1999).⁵² A well-known and seasoned activist told me:

...I think if you look at the gains we made - whether it is affirmative action, women's political seats, women being able to enter university on 1.5,⁵³ the gains we made in the Constitution – if it was today I don't think we would do the same. If you read Sylvia Tamale's book, *When Hens Begin to Crow*, she also points to the fact that for a government that was new and needed to gain legitimacy one of things it used was "we are pro-women" – ... funding will flow to governments that appeared to be pro-women. So, we are sent to CEDAW...we are among the

⁵² This was cited at the many meetings I attended and in interviews with practitioners.

⁵³ Under the 1.5 affirmative action policy, women applicants to university are given 1.5 points to add to their examination scores.

first African countries to have a gender machinery in place – you do the right things – or appear to do the right things, but in-house you sort of undermine them – so it [Ministry of Gender] is the least funded ministry...but to the outside you appear like you are making progress – ...And, yes we signed Maputo but we reserved article 13 - which is about repro [reproductive] rights. Why? ...the churches rose up and you don't want to anger anyone in the church. It also shifts depending on how close we are to the next elective cycle...

An in-depth study to assess the extent to which female members of parliament and Local Councils have been able to make a difference through political participation on issues that affect women, between the years 2001 to 2013, states the following (ISIS-WICCE 2014):

In this study's observation, patriarchy manifests through the overwhelming nature of the state and its political processes that provide a conducive environment to men as political actors. It is argued, for example, that the institution of parliament is patriarchal because of its colonial history where it was a space for only men. This has left women to constantly justify their presence and their issues. At the local level, patriarchy plays out in the existing cultural institutions that nurture women and men for different spaces and also gives them different social capital, to enable them function in these spaces.

The activist cited above also said:

Whereas in this house [session of Parliament], yes, women's representation has gone up - but who is for the women's agenda? ... In this house it is harder [than earlier years] to point to who are those one, two, three, four, five women who, no matter what, will raise our issues? No matter what their party says, no matter if they will get berated by their fellow MPs, no matter what - they will stand for us.

Highlighting this comment, in February 2015, a newspaper article by a guest journalist provided insights into the then-Minister of Gender, Labour and Social Development. The following is an excerpt from the article (Sawhani 2015):

Recently, the minister for gender, labour and social development, Mary Karooro Okurut, was addressing women groups in Bushenyi.

According to media reports, among the pearls of wisdom she shared was her opinion on the importance of women not denying their husbands sex, warning that such actions were largely responsible for a rise in domestic violence.

She was quoted as saying: “It has been discovered that women no longer respect their marriages. Denying your husband sex without a sound reason like sickness, is denying your husband his rights.”

And so in a surprising turn of events, Ms Okurut joins the list of MPs who, whether meaning to or not, partake in an indirect disempowerment of women.

Within this context, MGLSD is mandated to coordinate and provide oversight on gender mainstreaming and women’s empowerment in Uganda, and to address GBV as a priority. The MGLSD promotes policy development; multi-sectoral coordination; setting of standards; research, data and monitoring; and, promotes advocacy and awareness raising. As part of its role, the Ministry facilitates quarterly meetings of a high-level GBV Reference Group, and several thematic working groups; houses the GBV Secretariat; and, facilitates coordinating committees at local government level.

Domestic Violence Act of 2010

Uganda’s DVA was passed in April 2010, and in July 2011, a set of regulations was passed that direct the implementation of the law. These regulations detail how complaints are to be filed and addressed within local council courts, police, and magistrates’ courts.

A 2006 study that informed the development of Uganda’s law found that preferred sources of support for domestic violence in Uganda were the local council courts and “traditional interventions,” including “clan courts, elders, in-laws, paternal aunts and Local Council courts.” Botswana, Ghana, Namibia, and, the UK have laws that have “an emphasis on quasi-criminal and civil remedies,” as well as non-legal resolutions (i.e. counseling and compensation) and these served as models for Uganda (Uganda Law Reform Commission 2006b).

The DVA features a broad definition of domestic violence, including physical abuse, sexual abuse, emotional, verbal and psychological abuse, and economic abuse. Domestic relationships covered by the Act are also broad and include intimate partner relationships as well as relationships between family members, those living in the same household, and employer/employee relationships – whether or not they share a residence, and, former domestic relationships.

The Act is unique in Uganda's statutory legal system with provisions for addressing an offense as both a civil and a criminal offence. This means that in addition to criminal penalties, a broad range of other penalties can be used, including having the perpetrator provide restitution and compensation to victims.

Cases can be heard by Family and Children's Courts and Magistrates Courts, as well, as Local Council courts. LCs can hear cases except when the violence is severe, a second offense, or the perpetrator is seen as likely to commit further acts of violence. In cases where children are involved LCs must make a referral to the Probation and Social Welfare Officer. In late 2013, when I started my research, implementation of the DVA was very new. However, there was considerable activity related to supporting implementation, including trainings for key actors, such as police, court clerks, magistrates, referral points, media, and others.

As part of my research, I reviewed the Family & Children's Court, Civil and Criminal Case Registries, where cases are entered in long hand in a large ledger book, at two Magistrate's Courts in Kampala where cases from Kyegwelede would be referred. More information is provided in Appendix VII about the use of the DVA in these courts.

Here, I provide some of the information from the one court's criminal registry that had the most complete records. Even here data is limited and does not distinguish whether a case using the DVA was an intimate partner, or someone else, nonetheless, it provides some insights into the use of the law. At this court, 15 criminal cases used the DVA in 2014 and all were dated June 2014 or after. Of the 15 accused 13 were male and two men were charged with the same offense and that case was stayed. Of the 11 remaining cases against male perpetrators:

- 4 had not been heard
- 5 used reconciliation and were dismissed
- 1 was "discharged"
- 1 was sentenced to 3 months of community service

In four of these cases, the defendant was also being charged under the Penal Code Act for assault. This highlights the notion that the Resident State Attorneys, who in most cases assess whether a case can be charged and under what law, and others who influence charges, do not feel that the DVA has sufficient penalties to use it alone. I briefly spoke with the one of the magistrates at this court who told me that she had attended a training on the DVA in March 2014. Prior to that training, she said that she had heard of the DVA but did not really understand it.

I also reviewed the Local Council logbook for May through December 2014 that had been issued by CEDOVIP to try to track how LCs are handling DV cases. I found 17 cases involving VAW that had sufficient information to understand. Of these, four included accusations of forced sex. Several involved issues around the husband having relationships with other women and all included either severe physical violence or

economic violence including lack of support and/or interfering with a woman's income generation. Of these cases:

- Three were not followed up because the complainants did not return;
- four were referred to police,
- one was referred to a ssenga, and
- nine had some level of mediation, or intended mediation, by a member of the LC.

Within the same time frame the DVA was being passed three other important Acts relating to GBV were signed into law:

- Prevention of Trafficking in Persons Act, 2009;
- Prohibition of Female Genital Mutilation Act, 2010; and,
- International Criminal Court (ICC) Act, 2010, which criminalizes the sexual exploitation of girls and women in conflict situations.

Important bills that have not been passed include the Sexual Offenses Bill and the Marriage and Divorce Bill, discussed above.

Budget

*The Ministry does not take GBV as a core government program.
It is just like a project because donors are funding it.*

- Lead practitioner

The overall budget for the MGLSD in 2012/2013 was 0.75% of the overall national budget,⁵⁴ even though its mandate is complex and intended to effect a change in an issue that directly affects more than half of the population, with overall incidence of VAW at 56%. A 2012 study commissioned by CEDOVIP estimates the annual cost to the economy of GBV is 77 billion UGX⁵⁵ (~\$28.5 million) annually (CEDOVIP 2012).

When I started my research in late 2013, I attended a meeting at the MGLSD where it was announced that one of the unfinished pieces of business for the year was the GBV Policy and Action Plan, which needed to be passed by Cabinet for the Ministry of Finance to allocate a budget for the implementation of the DVA 2010. It was stated that the draft policy was “close” and would be one of the first pieces of business in 2014. Yet, 2014 passed without completion of the policy or plan. The human resource challenges to the Ministry and those working specifically on GBV are enormous, with staff often triple booked in meetings in Kampala and elsewhere. Whether lack of resources or bureaucracy caused the delay is hard to know, yet, the result was no budget to implement the DV Act.

Most of the GBV interventions implemented by the MGLSD rely on donor funding. For 2014/2015 MGLSD’s action plan budgeted 1.3 million UGX (~\$630) for activities estimated to cost 2 million UGX (~\$740). The activities covered limit the geographic scope to one sub-region of the country (Busoga, Eastern Region), and provide little in terms of response to GBV overall (CEDOVIP n.d. [2015]). Meanwhile, donors had committed 650 million UGX (~\$240,000) for additional activities (Domestic Violence Coalition 2014).

⁵⁴ Provided by CEDOVIP, in a personal email communication on November 17, 2015. CEDOVIP has led costing and budget studies relating to GBV in Uganda and the implementation of the DVA.

⁵⁵ UGX refers to Ugandan currency, also known as shillings. During my research the exchange rate was approximately \$1.00 US to 2700 UGX.

Among the gaps is a budget for Local Government, responsible for significant aspects of the DVA's implementation. Other key Ministries that do not have specific allocations relating to the DVA are Ministries of Health, Education, and Internal Affairs (Domestic Violence Coalition 2014). Some activities are funded "off-budget," with the effect that there is no data collection around them. Some key aspects of the DVA implementation are not tracked, for example, the Uganda Police Force (UPF) budget is accounted for in "community-based policing." Some Ministries, including MGLSD, list activities in action plans but have no budget to actually implement them (CEDOVIP n.d. [2015]).

The lack of budget ensures a lack of capacity to implement services and justice to women. In a discussion with a legal aid lawyer about my frustration that often she does not show up for the client at court, I was told that one day she was scheduled to be in various courts on the same morning for five different clients. Not knowing how to select the client to represent she went back to the office and worked on a project that was desk-based. The organization was trying to promote self-representation in courts because of this issue. However, my own experience with women in courts demonstrated that magistrates were not in agreement with this approach and used the absence of the legal aid attorney as a reason to postpone hearing cases, possibly justly, knowing that many clients would not be able to represent themselves adequately.

Local

As discussed, the DVA places considerable responsibility on the LC Court. While this follows what local community members are already familiar with, the inability of

many LCs to properly function is one factor that some cite as impeding implementation of the DVA at local levels.

The present Local Government (LG) system in Uganda has evolved from the policies instituted by Mr. Museveni after taking on the Presidency in 1986. The Local Governments Act 1997 created the Ministry of Local Government, which oversees policy and legislation on local government. There are several levels of local government, which vary in the way they are designated, depending on whether the district is rural, urban, or a municipality. Within Kawempe District, where my research took place for example, there are several parishes, and each parish has several wards (formerly zones, also known as villages or neighborhoods). The lowest level of local governance is at the “ward” or “village” level. The local council (LC) at this level is headed by a person known as a LC1, or simply “Chairman” or “chairwoman” in the unusual case of the office being held by a woman. LC 2’s through 4’s are responsible for larger areas; and LC 5’s represent an entire district. At the level of the LC 3 there are seats designated for representation of women, youth, and persons with disabilities. Members of the LC are elected officials; however, the last official elections for LC 1’s took place in 2001. This has been a major issue for effective local government. While some areas have retained LC1s who have continued to function ethically in their positions, others have not.

When fully functional, LCs at the ward/village level have both administrative and judicial powers. The latter are exercised through the LC court, which is governed by the Local Council Court Act 2006. However, many LCs, including the one in Kyegwelede, have lost officials, and there has been no mechanism to fill empty spots. Yet, the LC Court Act requires a quorum for any official decision to be made.

Violence Against Women Practice

There are multiple actors working to prevent and respond to VAW in Uganda. The major sectors that are engaged include gender and social development; justice, law and order; health; and education. Programming addresses both prevention and response to VAW. As already noted, outside donors fund the majority of the work.

One of the most well known prevention approaches used in Uganda is SASA! SASA means “now” in Kiswahili and represents the idea that “*Now is the time to take action to prevent violence against women and HIV!*” SASA is also an acronym for the four phases of community mobilization (Start, Awareness, Support, Action) the program uses in communities. The main concept used by SASA is an awareness of how “power” is used by everyone in both positive and negative ways. There are four aspects to power – power within (ourselves); power over (women and children for example); power with (to support others) and power to (prevent VAW/HIV). The SASA! toolkit includes activities, lesson plans, facilitator guides, materials, and monitoring tools.⁵⁶

SASA! was developed by Raising Voices, working with CEDOVIP, based on community mobilizing work in Kampala neighborhoods in the early 2000s to raise awareness about domestic violence and to promote support from neighbors and community leaders for women who experience DV. Some of this work engaged leaders throughout the area, including those in Kyegwelede (Michau 2008; Michau and Naker 2003).

SASA! was implemented from 2007 to 2012 as part of a randomized control study to assess its effectiveness in four of eight study communities within Kawempe Division, all near my research site. Post-intervention findings included increased

⁵⁶ Information is from the Raising Voices website, accessed on 10/22/15 at <http://raisingvoices.org/sasa/>.

willingness for neighbors to either personally intervene when they hear quarrelling or violence or, to call police when there was severe violence, and for women to seek support for violence experienced themselves. Since the end of the study SASA! is being implemented in the four control communities (Kyegombe, et al. 2014:8).

SASA! is also being used in training conducted by CEDOVIP for duty bearers and service providers. These trainings, focused on implementation of the DVA, have been conducted for police, state prosecutors, court clerks, magistrates, media, and, the referral network (a group of more than 30 organizations that come together in Kampala). At the community level, training has been conducted for LC1s, religious and cultural leaders, and community activists that include those in Kyegwelede.

The Uganda Police Force established a Gender Desk in 1986, which became the Child and Family Protection Unit (CFPU) in 1989. Numerous actors have been involved in training of the UPF in human rights, children's rights, and GBV. Raising Voices and CEDOVIP have been training police within this unit on domestic violence since 2000. They recently completed support to the development of the GBV section of the national police training curriculum, and in 2014 conducted a training-of-trainers for police to implement that training. Advocacy for a GBV Directorate within the UPF has been ongoing with hopes that it will be established in 2016.

Shelters are identified in the DVA as one component of response and support for victims/survivors of DV. In 2014, there were 17 shelters in Uganda, including one that serves Kampala. All shelters are operated by NGOs, although some are part of government programming. I visited the shelter in Kampala in early 2014. I found a full-time counselor, who related stories of working around the clock to provide counseling,

mediation, legal aid, and shelter services to women. She spoke to me while 2-3 clients waited in the reception area. A part-time attorney provided by a legal aid provider was not in the office on the day I was there, and the receptionist was absent. There was one room with bunk beds for women and children. Food was being catered by a local hotel for the one woman there, and a housekeeper did the cleaning. Security was high at the shelter gate – my car was searched thoroughly despite its diplomatic license plates, however, the location of the shelter is publicized with a sign, and couples mediation and counseling is conducted at the shelter – a practice that some activists I spoke with questioned. Some weeks after my visit I was asking a LC1 in Kawempe if he knew about the shelter as a resource for women. He told me that he understood women could only remain in the shelter for 2-3 days, questioning the value of such a short time. Another local NGO told me this was what their staff also understood. The NGO operating the shelter explained that the demand had been so high in Kampala, and women often did not want to leave the shelter, so staff had been told to say there was a 2-3 day limit, although once women were in-shelter, and there was good reason, they could typically stay longer.

Conclusion

This chapter has provided a background to the context within which VAW is beginning to be addressed in Uganda. This includes both social aspects of kinship and social structure, which incorporates customary law and practice, religion; and, the political aspects of statutory international and national legal frameworks. These two aspects of life - social and the political are intertwined, particularly in areas relating to marriage and property, and particularly as they affect women.

International efforts to globalize social norms have been important for moving countries such as Uganda forward in women's rights efforts, and they continue to play a critical role in setting goals and standards towards the achievement of gender equality. Even as Uganda picks and chooses what sections of women's rights agreements to uphold, the existence of mechanisms such as the CSW, continue to exert a disciplining influence, even if only for countries to look good in their achievements of international goals. Nonetheless, the question of whether this influence is shrinking as governments such as Museveni's find value in exerting independence from "Western" influence is an important one.

A setting within Uganda of constricting civil rights, evidenced by the recent passage of laws that restrict these; resistance to deep structural changes that drive gender inequality; and a women's movement that is experiencing fatigue from the seemingly impenetrable wall of structural patriarchy, are among the challenges for those committed to transformative change in gendered norms and practices in Uganda. Nonetheless, research such as that of SASA!, which demonstrates that change can happen at least on micro-levels, supports optimism.

In the next two chapters, I highlight some of the experiences of women as they navigate these structures within the shifting context that promotes women's access to justice.

Chapter 5: Navigating Marriage within the Context of Patriarchy

Men's habits are funny – they are going to dump you and treat the next woman like she has more value than this one taking care of his kids.

- Ruth

Sometimes I used to think - if I could be the man – I would be the one giving the woman so much pressure. ...giving me this terrible life. [though]... I would not be like that – mistreat like that.

- Gloria

I dreamt of being married and I got it but what I expected to get in my marriage I have not got....I expected to introduce him at our home... I expected to have a man who is mine alone and does not have any other woman....I expected to have a man where we can talk and whatever he does he tells me and whatever I do I tell him....I expected, okay, to be in a good life - not like I am in right now.

- Agnes

Introduction

In this chapter, I discuss prominent themes that emerged from interviews with women that reflect how women in urban Kampala navigate marriage within the context of kinship and social structures; customary law and practices; as well as statutory law. Several themes emerged from analysis of research data from Kyegwelede as particularly significant about how individual women think about themselves within their relationships with men; how they perform, practice and resist gendered expectations; and, what might influence decision making when confronting patriarchal power, authority, and abuse.

Discussion is organized under three major headings: Polygyny and Infidelity – “It’s...Our Way of Life;” Gendered Roles and Responsibilities – “It’s Obvious – the Man is the Head!;” and, The Embodiment of Power and Inequality - “I kneel – he is my husband.”⁵⁷ To support an ecological approach, I include discussion, where relevant, of

⁵⁷ Throughout this dissertation I will use the term “husband” in keeping with local discourse to refer to the man a woman is living with whether she is legally “married” or technically “cohabiting” with him. Where relevant I will be clear about whether it is a legal marriage or not.

intersections between global human rights agendas, national customary and statutory law and practice; community and family norms; and individual women's lives.

This chapter looks at how customary law and practices and statutory law support the continued performance and practice of traditional patriarchal norms and ideals, even as a women's rights agenda might be working to challenge these positions. In addition, the ways that women's bodies perform, practice and resist normative gendered roles and responsibilities are explored as part of understanding how women's gendered identities are shaped and disciplined. In the final part of the chapter, I discuss decisions three of the women – Ruth, Gloria, and Saleema – make relating to the domestic violence in their relationships without engaging outside legal structures, with varying outcomes. The chapter brings attention to how women's identities are shifting within a context of urban living and increasing awareness of women's rights, yet are still constrained within entrenched patriarchal social structures.

Polygyny & Infidelity: “It’s...Our Way of Life”

*...in Africa it [polygamy] is, and has always been, part of our way of life.*⁵⁸

- President Museveni, 2014

In the late 1980s and 1990s, President Museveni gained global acclaim for confronting the country's HIV and AIDS epidemic by calling on Ugandans to change their sexual behavior, including reducing their number of sexual partners as part of what became known as the “Abstinence, Being Faithful, and Using Condoms (ABC)”

⁵⁸ The full speech can be accessed at: <http://www.newvision.co.ug/news/653676-be-strong-museveni-tells-african-gov-ts.html>. The statement about polygamy was within the context of defending his signature on the Anti-Homosexuality Act (later overturned). His full statement was: “In the West they criminalise polygamy by law, while in Africa it is, and has always been, part of our way of life. Yet we do not complain. When we legislate [against] homosexuality, in response to the western sponsored non-governmental organisations vis-a-vis traditional values, we are threatened with sanctions. This is contempt...”.

approach (Green, et al. 2006). Uganda achieved a dramatic reduction in HIV prevalence that reportedly peaked at 18% in 1992 and declined to 6.1% in 2002 (Wabwire-Mangen 2009). While there has been controversy over attribution to particular factors, many credit a decrease in sexual partners, both within marriage (polygyny) and outside of marriage (infidelity), promoted through slogans such as “Zero Grazing” and “Love Carefully” (Green, et al. 2006; Shelton, et al. 2004). This is also supported by data that indicates that after 2001 risky behaviors, including engaging in sex with multiple partners, are once again on the increase (Opio, et al. 2008). And, since 2002 HIV prevalence has been on the increase, with the national average up to 7.3% in 2013 (Uganda AIDS Commission 2014).

As a possible explanation of trends, a 2009 study found little mention of messages promoting partner fidelity in national strategic documents for HIV and AIDS after 2000, and no reference to previously high profile campaigns among focus groups participants convened in two Kampala areas (Green, et al. 2013:27, 31).⁵⁹ I also did not hear a single mention of these campaigns, or their messages, during my research. Other campaigns may have focused on the role of multiple concurrent partners on HIV rates; however, these were not highlighted within my own discussions.

Reflection on the short attention span given to high profile “reducing partners” messaging brings attention to the absence of political will to reduce male privilege within intimate partnerships, which affects rates of VAW as well as HIV and AIDS. Museveni’s stance on polygyny reflects his approach to promoting gender equity, often in ways that gain him high public profile as a women’s rights advocate, while not threatening an underlying ideology of hegemonic masculinity maintained through patriarchal structures.

⁵⁹ Women also have multiple partners but in much lower numbers, and polyandry is not legal.

A headline in the newspaper last year, shortly after his statement in defense of polygamy, stated, “Museveni cautions on polygamy.”⁶⁰ Yet, his speech signals concern for social and economic stability, not women’s rights. The following are some of Museveni’s statements that are in the article (Alfred Tumushabe and Amanyisa 2014):

If you marry many wives, they will not have the same focus and spirit. They will not work together...

If a woman is producing [children], why do you add another one?” he asked.....those who can afford to look after many wives can marry them but put them apart.

[advising to give land to girls as well as boys] *It is not a law (to give them land) but I think it is right.*

All ethnic groups in Uganda practice polygyny; and, statutory, as well as customary, law and practice support it. Polygyny presents a dilemma for transnational UN-driven human rights agendas and national women’s rights movements in Uganda, as a practice that is contradictory to several international and regional human rights treaties that Uganda is a signatory.⁶¹ In particular, CEDAW expressly considers polygyny a practice that undermines women’s equality. Yet, signatory states, such as Uganda, continue to legitimize the practice and women’s rights efforts to abolish its legality have failed. The international CEDAW committee has provided several guidances on the topic, and in 2013 issued recommendations consistent with the approach activists have taken in Uganda, which is to advocate for laws that protect economic rights of women who are in polygynous relationships (CEDAW 2013:6):

28. States parties should take all legislative and policy measures needed to abolish polygamous marriages. Nevertheless, as stated by the Committee in its General

⁶⁰ Museveni uses the term polygamy even though it is only men who are allowed to have more than one marital partner.

⁶¹ These include the International Covenant on Civil and Political Rights, Article 3; the International Covenant on Economic, Social and Cultural Rights, Article 3; and the African Charter on Human and Peoples’ Rights, Article 2 (Ssenyonjo 2007).

Recommendation No. 28, “polygamy continues in many States Parties, and there are many women in existing polygamous unions.” Accordingly, with regard to women in existing polygamous marriages, States parties should take the necessary measures to ensure the protection of their economic rights.

On the national level, the practice of polygyny/infidelity contradicts several articles in Uganda’s 1995 Constitution that are meant to ensure gender equality, and specifically Article 31(1), which provides for equal rights in marriage (Ssenyonjo 2007).

In Uganda, the majority of “marriages” are in fact cohabiting relationships that do not meet criteria for any of the three types of “legal” marriage (customary, civil, or religious). Women not legally married, whose “husband” supports more than one “wife” and their children, are in even more precarious situations, since any legal advances to protect women within legal polygyny will not apply.

Whether a particular man is practicing what his wives consider “polygyny” or “infidelity” in the absence of legal marriage varies; however, the structural context for polygyny is the same *habitus* (Bourdieu 1977) that anticipates the practice of male infidelity. The power of this habitus is reflected in its discipline of the international human rights agenda, noted above, which has now reframed its efforts to accommodate resistant member states, such as Uganda. In Uganda, the women’s rights agenda has also yielded some of its earlier agenda to effect deep changes in structural patriarchy (Benedetti and Kijo-Bisimba 2012) in efforts to address urgent needs to reduce domestic violence and improve women’s economic security.

Nonetheless, there have been some legal successes within Uganda relating to male privilege and infidelity/adultery. In 2004, the Uganda Association of Women Lawyers (FIDA) challenged the section of the Divorce Act that allowed men to file for divorce based solely on a wife’s adultery, while requiring women to have additional reasons, as

well as other sections of the Act that reflected gender inequality.⁶² Uganda's Constitutional Court unanimously agreed and declared "*impugned sections...null and void.*" In 2007 the Law and Advocacy for Women in Uganda, an organization of women lawyers, successfully challenged sections of the Penal Code, also in the Constitutional Court, that allowed women to be charged with criminal adultery while there was no penalty for men committing adultery (Ssenyonjo 2007; UWONET 2014a).

The NGO Action for Development (ACFODE) devoted a recent issue of its magazine to the topic of Women, Land and Property Rights and virtually every article in the issue engages with issues around polygamy and property rights (ACFODE 2015b). Meanwhile, the Speaker of Parliament, Rebecca Kadaga, reopened the debate on the highly contentious Marriage and Divorce Bill in February 2015, which among other things would address issues relating to both polygyny and property within cohabiting relationships.

The financial pressure of men having multiple sexual/marital relationships is often a trigger for additional domestic violence, particularly economic violence, including denying property rights to a first wife, who he may or may not be legally married to (Asiimwe and Crankshaw 2011). Two of the three women's stories I detail in this chapter, as well as two of the three in the next chapter, cite infidelity as a precipitating factor for the economic violence present in all of the cases, as well as physical abuse in two of the cases. And, in Uganda, these narratives are commonplace and populate newspapers, as well as everyday discussion.

⁶² Other sections of the Divorce Act that were inconsistent with gender equality were also challenged including those that allowed a man to be compensated for damages and costs but not a woman; the provision for alimony to be paid by a man but not a woman; and the section allowing a successful male petitioner to claim property of his wife, but not the reverse (Ssenyonjo 2007).

The UDHS calculates the number of polygynous unions in Uganda by asking both married women and married men how many wives the husband has. Using this method, the UDHS reports an overall decrease in polygynous marriages from 32% in 2000-2001 to 25% in 2011. In addition the survey indicates that polygyny is more prevalent in rural than urban settings; the number of unions increases with age; education is a mitigating factor in favor of monogamy; and, regions differ (Uganda Bureau of Statistics and ICF International Inc. 2012:48-49).

The SASA! study, discussed in chapter 4, within two Kampala divisions near my own study site, provided the information found in Figure 22 on the self-reported prevalence of polygyny. Researchers suggest that the discrepancy between men and women’s reports of polygyny in the intervention communities at follow-up could be the result of men’s awareness of negative attitudes around sexual concurrency (Abramsky, et al. 2014:11, 14-15).

Figure 22: Prevalence of polygyny, SASA! study

| Baseline (2007) | | | | Follow up (2012) | | | |
|------------------------|------------------------|------------------------|------------------------|-----------------------|------------------------|------------------------|------------------------|
| Men | | Women | | Men | | Women | |
| Intervention | Control | Intervention | Control | Intervention | Control | Intervention | Control |
| 37/165 (22%) | 45/191 (24%) | 49/201 (24%) | 57/187 (30%) | 36/407 (9%) | 38/314 (12%) | 53/316 (17%) | 57/246 (23%) |

There is widespread agreement that men are not monogamous, although rates of official polygyny may be decreasing. A Women’s eNews article (Sussman 2007) quoted Irene Mulyagonja, a well-known family law attorney, as stating: *“There is an attitude here that men are entitled to commit adultery, it is a direct result of the legal and cultural tolerance of polygamy...almost every husband in the country commits adultery, even those in civil marriages; it is almost 100 percent.”* The article cites Sylvia Tamale, author of a seminal study of gender and politics in Uganda, and a Makerere University Faculty

of Law Dean, as adding, in agreement: *“Most Ugandan husbands have mistresses or secret wives, even if they are in civil marriages. Monogamy doesn’t fit here. It is totally alien. But women are shunned if they commit adultery.”*

Perceptions about men’s relationships by women I spoke with in Kyegwelede, both informally and formally, suggest a near universal expectation by women that men will have multiple partners. Of the 20 women I conducted in-depth interviews with, 13 said they knew that their husbands either currently had an intimate relationship with another woman, or had been involved with another woman at some point while married to her. For at least six of these women (including two who are co-wives), the relationships their husbands were having involved more than casual infidelity – the husband was providing some level of financial support to the woman and children he “produced” with her. Two young women (ages 18 and 23) said, *“You can’t know these things”* and two were *“not sure”* although all four of these women suspected their husbands were not faithful. Two women did not think their husbands were currently involved with another woman, but both feared it for the future. One woman was not sure what to think about her husband, although he had abandoned her, and one woman I did not ask. Some women said that if her husband has a relationship with another woman he shows his wife “respect” by not letting her know about it.

One day shortly after I started living in Kyegwelede, I started a discussion with two young women. Sitting on one of their front steps, talking and laughing about their lives with men, we ended up with an animated group of seven young women, ages 22 to 34. The youngest member of the group had just given birth to her first child, and she told the group she *“trusts her husband”* who she expected to pay bride price soon. The other

six women were laughing and poking fun at her – and in the heated discussion they began rapidly firing comments across one another. All were in consensus that this young woman would eventually be deluded, telling her, with a lot of laughter at the same time:

You cannot trust a man!
Never trust a man!
You will be very disappointed!
You are naïve!
Wait 5 years!
Things just change!
It's a male problem!
Men have suckled the same breast - they [all] get up one morning and decide to leave you!
It happens to us at different times [but it always happens]!

For my benefit, one woman said: “*Men were polygamists* [in our mother’s day] *but they were accountable. Today...they are reckless...not responsible...so many women and children.*”

The women’s discourse reveals two different conceptualizations around the expectation of male infidelity. On the one hand, there is the idea that infidelity is “male nature,” indicating it is perhaps out of the man’s control and also that it is supported by “culture,” but there is also a contradictory notion that it is about male “irresponsibility.” The latter is something that is newer and is challenging traditional expectations around male and female roles in a household.

Speaking from her own recent experience, Cecilia, an Acholi woman I interviewed and often chatted with, affirmed this.

[in the old days] ...let me say that you are a man and you want to get another woman, you tell the woman who is already there, that I want you to be two and you the woman becomes aware. But, in the current generation, the man just throws out the woman and you the woman cannot tell what they are bringing into the house. When this happens, you are forced to think of other things such as bewitching the other woman, abusing her, and getting into constant fights with her.

As part 13 of the in-depth interviews I conducted, I explored the types of “abuse” women considered “typical” or “expected” within marriage; what types of abuse they would “report” and to whom; and what types of abuse they would not “report.”⁶³ The three types of abuse most women said they would not report to anyone were “a slap,” “forced sex (by her husband),” and “infidelity,” and for many women none of these were necessarily considered “abusive.” Of the 13 women asked, 12 said they would not “report” infidelity to anyone, and some women laughed at the suggestion. One woman said she would talk to her *ssenga* about it, and two women, who had not experienced their husbands being unfaithful that they were aware of, said, “*You can just leave.*”

Millie and Ruth’s stories represent a poignant example of how the prevailing *habitus* that anticipates male infidelity, or “polygyny,” as practiced by their husband, or Jane’s in the next chapter inflicts violence on women and children, and why, “just leaving” is not an easy response.

Millie and Ruth

I met the husband of co-wives Millie and Ruth first. The man has a shop on the main road, just past where I would turn to get to my house in Kyegwelede. Hearing I was interested in the lives of women, he said, “*You must meet my wives.*” Initially, I was put off by his tone of ownership but I returned the next week to try to meet the women and determine their interest in talking with me. I found Ruth, the second wife. It turns out she was someone my research assistant, Barbra, and I had interacted with the week before and she said she would be very happy to talk with us.

⁶³ I did not ask this question of women I was engaging with primarily around current abuse (three); women who had not been with their partners for some years (two); and one woman for whom I felt it would be too emotional after she had shared stories of severe abuse with me.

A few days later, Barbra and I were climbing the steep steps to enter Ruth and Millie's single room home for the first time. I worked to take off my shoes before entering without falling backwards – the steps were also narrow. The home is a middle unit on a row of houses so there are no windows, it was overcast outside, and there is no electricity. As we entered, the whites of eyes staring up at us struck me, and as my own eyes adjusted to the dim lighting, I saw what looked like so many children sitting expectedly on the mat on the floor waiting for us to enter. The oldest child there, who speaks good English, directed us to sit on the mat. One by one, nine children greeted us politely – shaking our hands (there are 10 children total, one was just a year old). I learned that Millie and Ruth live in this single room house with 12 (and sometimes up to 15) of their husband's children, including 10 that belong to the two women, and additional ones from other women.

Millie, age 37, and her husband, age 42, are Acholis from the north, married while still living in their home areas in 1994. They came to Kampala in 1999 because of the conflict inflicted on northern Uganda by the Lord's Resistance Army that lasted from 1986 to 2006. They both completed primary school but did not go on to secondary. The husband paid some bride price for Millie but never finalized the marriage process. They had six children – 3 boys and 3 girls, ages 6 to 16 years. According to Millie:

...[until six years ago] he was taking good care of the children and he was also paying their school fees in time....Then after that, I don't know what entered in his head - maybe it was Satan. His love for many women entered in him and he started loving many women.

Then four years ago:

I just saw him coming with his wife and his children and he was like that I should let his children stay and his wife should go. I welcomed the woman because I felt pity for the life of the children, the young children.

Ruth is a Musoga, from Iganga District in the east. She is not too sure of her age, and told us, laughing: “I think I am in thirty’s.... thirty five or more.” She grew up in her mother’s village because her father died when she was young, making her mother’s life very hard, and the reason she was not able to attend school. She told us she met her husband eight years ago and came to stay in Kyegwelede six years ago. She now has four children by the man, ages 1 to 7 years. She did not know he had another wife until she had already given birth to her first child.

Millie tells us that when her husband brought Ruth she had two children.

When he brought this one [Ruth], he brought the children to be taken care by me and then he brought this other child recently, he was at first staying with his mother. And I again saw him coming with a child in his hands, saying that for this one, the mother left the child.

You know to bring Ruth in the house I didn’t feel bad because I sat down and thought about it. I concluded that maybe my husband has a problem because which sane man could put two wives in the same house? I didn’t feel bad maybe it was God’s voice told him to bring her to me. If he had not, I think the children would suffer because he never takes care of them. I thought he had a problem because it’s not only Ruth, there are four other women I know that he is involved with but they don’t stay with him. It is only the two of us who stay with him. I forgive him, maybe he has a problem because if you are normal you can’t do such. Sometimes I quarrel because the house is too small yet we have many children but there is nothing he can do... [he did not have the money to support them in separate homes].

... Before he started being adulterous it was a good business....now all the women have taken his money.

Millie says she now performs both the woman’s and the man’s roles – acting as the “head of the family” to support them. She works as a domestic worker for an Indian family, and does casual labor she finds in the community. According to Ruth: “He [their husband] cannot know that the kids are sick or that we need something. She is the head because she is the one who puts in more...” According to Millie:

...the role of the man is to take care of his family, take care of his kids - paying school fees and making sure kids...are living well. The woman is the one supposed to cook food at home. When the man goes for work, he comes back when food is ready, when children are done with bathing, their dirty clothes are washed and ironed.

I can say he is not doing his role as a man because he is not looking after the kids. I am the one looking after the kids and family, all the responsibilities are mine. I am looking after his children too. As a woman, I am looking after two families yet he is doing nothing.

Gloria

The first time I met Gloria she had joined a small group of women I was engaging in an informal discussion early in my research in Kyegwelede. By coincidence my research assistant, Carol, and her fiancé, had been walking by Gloria's home just a couple of months earlier when Gloria's husband was seriously beating her. They intervened, according to Carol, as he had his hands around Gloria's neck. Six months later, interviewing Gloria, she told me:

That Carol found us fighting when I was staying by the roadside. They are the ones who came and rescued me from him. He was beating me seriously. And that beating was over disco. He wanted to go for disco. ...He told me that by 8:30 [pm] I will leave home - I am going for a show, I was okay, but you leave my 5000 shillings [less than \$2 USD] - tomorrow I will buy milk. Because for him he is going to spend a lot. But now reaching that time of pooling our money he was a thug. I said what?! You told me to iron and I did, you told me to do everything and I did. I followed all your orders. The money you are going to spend is more than even 50,000 [about \$18 USD]. No - I said no! I refused! He beat me serious. Pulling all these hairs out. He plucked them. He had to show me and I felt it. These hairs were out!

When I sit down to begin interviewing Gloria she says that her problems started early in her married relationship when her husband brought a second woman to stay with them in their small house while she was pregnant with their child.

That's where the trouble began. He brought another woman inside my home! Lying to me that she is the girlfriend to his bro - but then I realized. I used to find

them together, hugging themselves, doing what. By then I was still heavy [pregnant], I couldn't do anything ...

Gloria is a 24-year-old mother of two. She has a 4-1/2 year old daughter from another man who stays with Gloria's mother and a 10-month-old son with her current husband. She is an Alur, and calls her mother's village in Nebbi District "home." Gloria's father had several wives and he abandoned her mother and the children he had with her when Gloria was young. "He left us to suffer with my mother – I don't have much love for him because of that... I don't hate him – he is my father. [But] he left my mother with nothing." Her mother took the children and returned home to her home village in Nebbi.

Life was bittersweet growing up. Gloria's mother had returned to her father's home but he had died early and it was her mother who remained there (Gloria's grandmother). Gloria's grandmother and husband had five children – one son died early, leaving three daughters, including Gloria's mother, and a son. All came back to live there. The daughters all had bad experiences with their husbands and came alone with their children, while the son came with three wives. Her grandfather had a lot of land. Gloria says she grew up hearing that her grandfather was the man who started that village in Nebbi. Gloria remembers fun times with her cousins, all living nearby, but also her mother struggling to feed her and her siblings.

The challenges we faced – my mother not having money sometimes – when she does have money was when someone comes, 'I want you to go dig for me' and we go. I used to really feel it seriously. I would feel the pain for us to go and dig for someone again and give her that little money. And that little money you eat and finish today and again tomorrow you are crying. It was painful to me.

The father of my first child got me in school – I was still a virgin – I never knew anything about men. I was just a kid - he fell in love with me – I loved him too – I was so stupid...I had to take him as a man – I thought he would be there for me. I got pregnant, I was 19 – we came to know each other when I was 18 years old.

When he got me pregnant I didn't know – that was the first time I went with him – I thought he would marry me. His plan was another.

He helped during the pregnancy but after delivery he stopped everything up to now. He doesn't even bother to know how the kid is doing. I have to look for the money to send to the village. I have given up on him now. ... never even one shilling since I gave birth to her.

Gloria came to Kampala thinking her brother was going to support her schooling – she says she was bright in school, doing better than even the boys, and she had a goal of being a doctor; instead, he put her to work as a babysitter.

He called me from the village after I completed Primary 7. He said since I passed he would pay my school fees. I came but he didn't do anything – he put me to babysit the son until they got for me an Indian job – paying 50,000 [\$18/a month]. That money - I was so bright I wanted to study – I kept on saving. I went to Senior 1 ... but then I didn't finish because the school fees were finished. ...I kept saving money until I joined the catering course.

Gloria finished a catering class and had a job in a restaurant that did not last long. She met her current husband, who stayed with a relative that was a neighbor to her brother in Kyegwelede. He is 25 years old, also an Alur, with a Senior 4 education, and a certificate in interior design. He works for a company that decorates for wedding and other parties. The work is not always regular, but when he works, he is paid. By local standards, he seems to be doing okay. He fathered two other children before his relationship with Gloria – one died and one is living with the child's mother.

When I first met Gloria, her husband was very violent. None of the women in that informal discussion knew about the Domestic Violence Act. In our first interview after that, Gloria told me she went home from that meeting and informed her husband that if he hit her again she would take him to the police. When we met again she reported this helped, even if she has not followed through on going to police.

Gloria and her husband moved from Kyegwelede shortly after that first meeting, to a nearby location where I visited her and conducted interviews. During interviews, and later visits, she talked to me about how she was trying to make the marriage work. She said at church they talk about respecting your husband and she came up with a plan to show him “respect” to encourage him to treat her with more respect. She told me this “plan B” had been working – for the past two months he had not beat her and he was now leaving “table money” for her.⁶⁴ She was hopeful he would finally bring something to her parents for bride price. Gloria described her change in strategy, linking her own behavior to how he treats her:

[I was following friends’ advice] he shouts at me, I shout back. He slaps me, I slap him – slap me two times, I slap him back. Now, I delete all these peoples advice...I don’t want to go with someone else’s advice. Plan B is my own advice. Respecting him the way he wants – not exchanging words with him, making the situation worse. ... that was the way [I was] doing in [Kyegwelede]. At least I am trying this... If he brings something that can annoy me, I ignore it and keep quiet... When necessary I say sorry. For him, ‘sorry’ is not his problem – I have never heard for him to say sorry. [I am] trying to at least make my marriage stand firm. I see the change. The power he has of course - he has more than me but those days it was a must – he tells you to wash his sandals you must before he gets home whether you are busy or not ... it must be done. Now I have some power – if I tell him let’s do this – he can understand. At least. At that time I had no power, no mouth. [For him it was] I cannot tell him – I am ordering him– who are you to...who is the head of this family? It was terrible. At least now as a woman I can say something and share with him. [The change is] that respect that he has seen in me.

Several months after this Gloria came to me asking for a loan to start a new business. She had learned that for the past 4 months her husband had been renting a house for another woman. She was distraught that he had still not gone to visit her parents, and said she could not go back to live in Kyegwelede, where her brother stays, because “people know me – they know I am married to him [it is humiliating].” She

⁶⁴ Often referred to in English as “table money” it is customary for a man to leave money every day for daily needs.

cannot go home because “I have nothing to bring to my parents.” She was deciding to stay in her husband’s house and begin a business there. She still hopes to gain his respect. Gladys is a determined woman - I provide the loan.

Gendered Roles and Responsibilities

Among women in Kyegwelede I interviewed, either informally or formally, of those whose husband resided with her, or who was absent because of employment, all indicated that “of course,” her husband was the head of the household. In addition, all defined men’s roles and responsibilities within the broad framework of providing financial support to the family. Women’s roles and responsibilities are defined as caring for their husbands and children, washing clothes, cooking, and cleaning. Women also talked about demonstrating “respect” for their husbands in tangible ways – including greeting him when he comes home (even if that is 3am), serving him tea, preparing his bath, and serving him food.

Harriet told me that she and the children affirm her husband’s role as “head of the household” by “respecting him.” She explains that “the beginning of everything starts with the man...he is the one who has supported us... he is the foundation...if not for him we could not stand up.”

In this section, I explore deeply engrained normative roles and gendered practices, through which the male role as “head of the family” and responsibility as “provider” are constructed, performed, and protected – by both men and women. Diverse women’s stories narrate the context of patriarchal traditions and structural inequality within which many women also work to exercise (to varying extents) newly found rights — to education, to work, to property ownership (that in current times they buy if they cannot

inherit it), and, to not be beat. What happens in this space may include male acceptance of new gendered relationships and/or resistance and disciplining of women's behavior by the husband, as well as others in his or her kinship and social network. Jacqueline Asiimwe, a legal rights activist, aptly states what many women experience (2001:175):

Women's attempts to control, transact, and own property, especially land, are resisted and sanctioned by the community and the clan as misbehavior. In part, this is due to the society's intolerance for women who breach social norms. A woman who purchase land is seen as having "sinister" intentions, using the land to run away from her marital home or as a place to "entertain" other men. Gaining power through land ownership is deemed deviant, because only "improper women are not satisfied with what their husbands or other male relatives can provide them. "Proper" women take whatever is given to them with gratitude and teach their daughters to do the same.

Women from across the socio-economic spectrum who earn money are struggling to define their own gendered identities and roles within a strongly disciplined performance and practice of male dominance that defines her husband as "provider," and expects (as well as allows) him to have multiple relationships; and, her role as "support" to him. This new liminal space, for women and men, is "betwixt and between" traditional gendered roles and new ones that incorporate some level of women's rights. The space of liminality is acknowledged by anthropologists, based on theory developed by Arnold van Gennep (1960 [1909]) and Victor Turner (Turner 1969), as fraught with danger, as well as impurity (Douglas 2002 [1966]), requiring the protective limits (on agency/individual power, among other things) imposed by ritual and community. Confirming this, research from around the world has revealed conflicting evidence that demonstrates that women's economic empowerment can have the effect of increasing violence against women (Vyas and Watts 2008). A recent analysis to try to better understand factors that are associated with protection versus risk suggests that "...having many women in the formal work force is negatively associated with a country's level of partner violence, but at an

individual level, where few women work, working for cash increases a woman's risk of partner violence" (Heise and Kotsadam 2015).

Below I explore some of the key themes that emerged from interview transcripts as I sought to understand women's gendered identities and how they addressed the domestic violence in their lives.

"It's obvious! The man is the head of the household!"

While some women I interviewed in Kyegwelede could not understand why I would ask certain questions, the question that got the strongest response of incredulity—at either my presumed ignorance or my asking of questions that surely I knew the answer to—was "Who do you consider the head of your household?" Throughout Uganda, idealized roles within the family remain clearly defined by sex, even as in reality gender roles are undergoing change. Some women ignore the tension between these, while others are grappling with their own shifting responsibilities and identities.

Customary patrilineal law and practice institutionalizes the husband's role as provider; and children and property (including a wife who bride price has been paid for) "belong" to the husband's lineage. In addition, several statutory laws have supported these patriarchal practices, with some changes in recent years. The Divorce Act, until 2004, identified men, but not women, as responsible for alimony. The section addressing alimony was among several determined "null and void" when challenged in the Constitutional Court on grounds of gender equality. In 2007, the Law and Advocacy for Women in Uganda also challenged sections of the Succession Act 1906 in Constitutional Court that denied wives and daughters the same rights as husbands and sons to inherit land after the death of a husband or father. Several sections were declared

unconstitutional based on gender discrimination, however the Court's remedy was to recommend that Parliament develop, and pass amendments to provide proper redress of the law. Since 2007 Parliament still has not done acted to do this (Asiimwe and Crankshaw 2011; UWONET 2014a).

Land tenure in Uganda is extraordinarily complex, with legal statutes relating to land introduced during colonial times that disregarded the varying customary practices among numerous ethnic groups, and several kingdoms. According to the Uganda National Land Policy 2013:

Initially, colonialists introduced individualised ownership of property rights in land previously held either communally or on the basis of sovereign trustees. The newly introduced system of property ownership was super-imposed to either supersede existing indigenous land rights system or formally confirm pre-existing customary arrangements as the case for kingdom areas. In other parts of the country...customary tenure was left.. This duality of property rights systems resulted in land tenures, who maintenance has turned cumbersome and confusing...." (Government of Uganda 2013:1).

There is wide agreement, however, that even in pre-colonial times, land that was available for individual/family use was primarily held by male clan leaders and heads of families. Women could use land, but not inherit it. If a woman was widowed, she might be granted use of the land; it might be given to an adult male son; she might be allowed or forced to marry her husband's brother – giving her continued rights of usage; or she might be evicted from the property (Bikaako and Ssenkumba 2003). Women became even more disadvantaged with legal ownership of land in male hands, and passed down from father to first-born son (ACFODE 2015b; Asiimwe and Crankshaw 2011; Bikaako and Ssenkumba 2003). There is consensus that while legal policies, including the Land Act 1998, improve women's rights to own property, most land in Uganda continues to be regulated by customary practices and the process of implementing statutory law is

challenging (ACFODE 2015b; Asiimwe and Crankshaw 2011; Asiimwe 2001; Rugadya 1999). According to the 2013 Uganda Land Policy:

Having ratified several international human rights instruments on gender equality and the protection of women's rights, Uganda is hailed for having some of the best policies, constitutional and legal frameworks relating to gender and development, particularly for women's land rights. Although traditions, customs and practices which discriminate against women in matters of access, use and ownership of land have been outlawed by the Constitution, the practice does not acknowledge these changes. Culture and custom, for example, continue to support the transmission of land to men in inheritance, as women's inheritance rights to land are tenuous and at the mercy of their male relatives (Government of Uganda 2013:3).

I asked Gloria, in Kyegwelede, whether she would inherit land from her father.

She told me, laughing as she often did when I asked what she considered an absurd question:

... a daughter cannot claim the land! [I ask, why?] I don't know... Auntie, we women, we have no ... [land rights] – until they give you - that this one is yours. But, we stand on it that 'I want,' you cannot [force it] of course.

In the event of parental separation, customary law and practice assume custody of the child goes to the father. While the Uganda Children's Act of 1997 indicates that the child's best interests must be used to dictate custody, only a small percentage of parental separations are settled in court (Wengi 2011:210-220). In addition, even in court the "best interest of the child" may continue to be interpreted as the father by LC1s and family courts, given he is more likely to be able to provide financial support, and this is in line with custom. Most women I spoke with feared losing their children to their husband's family, either because of the assumption that traditional practice would prevail, their own inability to support them, or their own family's reluctance to accept children that belong to another lineage.

The 2014 civil society report on CEDAW lists the following egregious sections of the Succession Act that Parliament has not yet amended (UWONET 2014a:32-33):

- Section 2 (n) (i) and (ii): states a male is preferred to a female heir;
- Section 27: makes reference to distribution of property on the death of a male intestate and not to a female intestate;
- Section 43: empowers a father to appoint a testamentary guardian for his minor children.
- Section 44: prioritizes the father's family in guardianship of children; neither the mother, nor her family, is empowered to appoint a testamentary guardian for her minor children or given any guardianship rights
- Provision for a wife to take up the domicile of her husband at marriage.

Customary practice that designates the man as head of the household is also institutionalized within the formal education sector where a question on the primary grade two or three⁶⁵ end of year exam asks children, "Who is the head of the household?" Children who respond, "mother" instead of "father" lose points, even when the father is entirely absent from that child's home. A 39-year old legal activist I interviewed, who spent some years studying outside of Africa, narrated the following interaction with her 7-year-old son, who is in Primary 2.

... my son came home one day and was asking, 'Mommy, can I ask you a question and you will answer?,' 'Yes'. 'Who is the head of the family?'

I was like, 'that's a big challenge - a big question to me - I don't know how to answer it - it depends on the family setting. It can either be father, it can be mother - but to me both father and mother are heads of the family.' And, he was like, 'No! You are wrong.' 'I am like, why?' 'The head of the family is the father!' So I was like, 'what makes you think it's the man who is the head of the family?' 'That's what teacher told us.' So now this goes back to socialization - the pupils will learn it's the father who is the head of the family. So I gave him an example - because I have a sister who is single parent. I asked him, now can you kindly tell me who is the head of the family in such a scenario. [He said] 'Then there is no head of the family - they don't have a head of the family!' And this is what is being taught in the schools - so when they give an examination to the pupils- who is the head of the family - all the children must write 'father' whether they have one in the home or not!

⁶⁵ I heard from some grade two, and others grade three.

As one aspect of exploring what organizational goals of “gender equality” mean, I ask some practitioners about their perspectives about “man as the head of the family.” Many say the goal of “gender equality” is “equal decision making” and believe this is possible even within the framework of the male as “head.” One male activist replied, *“This is what we have grown up with – and possibly it might not change so easily. But from my own perspective what is most important is not who is the head of the household but how decisions are being made....”* A prominently placed woman who implements government policy relating to gender equality, said she did not see “changing the status quo” regarding man as head of the household as a priority. Rather she said, their position is “symbolic” and often a woman is in effect the one making the decisions. She said, *“As long as ... the man respects the woman’s position.”* She reminded me that colonialism placed men in the position of “head of household,” and traditionally women held much of the power over the household. Judge David Batema, High Court Resident Judge in Fort Portal, and widely known as both an academic and activist feminist and often referred to as “Sister Batema,” is quoted as follows (ACFODE 2015a:9):

I agree men are the heads of the families and that is not to put women any less. Rather I want to see men “die” for their wives as Christ died for the Church. I want to see a man getting out of his way to ensure his wife gets a land title, a car and everything he desires for himself. I myself had to battle with a bank to get a dual account with my wife. They claimed my wife would steal my property until I threatened to sue the bank for accusing my wife to be a thief.

Cecilia, in Kyegwelede, laughing said, “Men should be the head so that they feel some of the burden [women do everything else!]” Most women in Kyegwelede explain that “man is the head of the household” with reasons I broadly categorize as because *“It’s our culture”* or *“It’s in the Bible (or Koran)”* or some combination of these.

“It’s our culture”

Irene and Esther are informal community leaders and friends for the past two decades. They perform a number of roles in Kyegwelede, including promoting women’s rights, and I expect them to be among the most forward thinking in the community. I spend a lot of time with them, but I am trying to conduct a semi-structured interview with Irene. Esther had just joined us when I was asking Irene about the concept of “head of household.” I asked Irene – “who is the head of the household?” and she responded, “Obviously, here it is the man – who is providing what and what. The man is the head!” They were both laughing, and Irene expressed some exasperation as she responded to my next question about why the man is the “obvious head,” as I also pointed out that most of the women we interact with have husbands who do not provide for them – the presumed justification for their status as “head.”

Irene: We found it there. We leave it there. Whether you do...what, whether you build this house – it will remain that. The man is the head of the house.... There is nothing [you do to prove it]...it is already known....it is obvious. It has no question – it is there!

Esther: As long as you have a man in the house, he is the head....

Irene: Yeah [laughing]! That is how we found it. I don’t know if it is a Ugandan way or if it is an African... I have already told you even if you [a woman] do each and every thing you will never become the head. Unless you have your children there without the man [Esther: “uh huh!”] that is when you can become the head of the house.

Irene proceeds to tell me that when her husband was alive she was the one working, and yet, “I was doing each and every thing at home!” I asked if it was today [10 years later and she is now far more empowered than before], “*Would you feel badly about it [playing out your role as “wife”] or you would do it because you want to do it?*” Irene replied thoughtfully:

It depends – if I am providing each and every thing I wouldn't do it in the right way. I would do it for the sake of doing it because I am the wife. But, if he was providing anything, something at home, yeah, I could do it willingly because I know that is my obligation. But it depends – it could be the husband works but he doesn't bring anything at home – and you do all the things at home – you bring each and every thing to make the home better – and you also buy food and then you cook – [then, do] you think I can cook in a good heart?

Esther: And, there is no thank you!

Irene: There is no thank you – nothing – instead of telling you 'thank you' he can even beat you – why are you coming late?! And you are the one to provide. It will be for the sake of doing it.

Esther: He has to go out when he is looking good [his clothes are washed and ironed].

Irene: And when he goes out when he is not looking good it will again come to you – 'look at your husband' – the blame goes back to the wife.

“It's in the Bible (or Koran)”

As discussed in Chapter 4, deep religiosity cuts across all levels of diversity in Uganda – including ethnic, sex, age, and socio-economic differences. Religion is often used to bolster the idea that men are meant to lead, while women support and follow, although there is some work to promote re-interpretations of the Bible that most take literally.

A staff person for an NGO that had just conducted training for members of Parliament on gender-sensitive legislation told me that during the training itself, several MPs, including female MPs, pulled out their Bibles and cited passages saying, '....you see, the Bible says the woman is a servant.' A leading female MP, in her 60s, who has been a vocal and passionate advocate for women's rights, told me the following:

I strongly believe in the Bible – I strongly believe that in every society there is hierarchy of leadership. I strongly believe that even if I was older than my husband, even if I was richer than my husband, the fact that I chose to get married – I had already decided on what the leadership in my family would be – that is the man first and the mother second. You took a decision by the time you got married

– if you didn’t want to be subordinate in the marriage then you should never have gotten married at all. That is my own personal assessment – that at the moment I chose to get married I determined the hierarchy in my marriage.

In Kyegwelede, Sophie, a Seventh Day Adventist, said:

... from the very beginning when God was creating, he made Adam and out of his rib a woman was got, so that means until the world ends it is impossible. Just like nowadays they work hard to put there equality, but still you see a man remains a man. Take for example, a woman may build her own house, or suppose I build my house and marry a man, that man will set his rules yet the house is mine and [he will] even beat me in my own house.

Grace, a Protestant, said that the man is the head of the family because, “*That is the way it is in Africa!*” and because:

It is in the Bible. God first created Adam and it is from Adam that the woman was then created. This means that the mere fact that God first created Adam showed that the man should be the head and the woman then follows.

Harriet said that at her church she is told the Bible says, “*Women must respect their husbands because he is the head of the household.*” I asked her if the Bible says the man must also respect the woman. She said, no, the man must “love” his wife, but he is not obligated to “respect her.” I tried to learn how these differ for her and she said, that for her, as a woman, she is supposed to be “loved and ruled” although to be “ruled” does not mean to be “beaten.” She said, “A woman is not a kid to be beaten all the time” – rather, the man should talk to her and tell her what it is that she might be doing that is wrong. She added, however, that some men interpret this as a right to beat their wives.

A Moslem *sheik*⁶⁶ in Kyegwelede who had participated in a number of trainings for religious leaders conducted by CEDOVIP, told me:

According to the teachings of Islam, [men] are the bosses to the woman...[but] there is no dictatorship in marriage...things come with negotiation...but the man

⁶⁶ I was told that a *sheik* is a learned man in a leadership position within a Moslem community. When I asked the difference between an *imam* and a *sheik*, he said an *imam* can be anyone who can lead prayers, whereas to be a *sheik* one must study for many years. In his case he attended university.

is the leader of the family...[because] he has all the responsibility to look after the family...

At the same time, he says the following:

What I have found is that so many husbands have left their responsibilities in the family – the woman is the one struggling to uplift the family – the man is there but they have left their responsibilities – the man...just abandons...gets another roof...shifts from the area and ...when he reaches there [he] can get another [woman] and the first woman remains here suffering. Especially here in school...I am the director of the school – so many problems we have faced from domestic violence – you find a woman, or wife, can bring her children to study but the major problem is paying of school fees. It is a problem because the man is not there – she is struggling to get the school fees – at the end of the day she will not manage...

Nonetheless, relating to men as heads of the family, he said, “...*that one will remain.*”

Work within religious communities focuses on promoting interpretation of Biblical verses in ways that promote women’s rights to be treated with respect, and reduces domestic violence, without necessarily challenging the idea that the man is the natural head of the family. The Church of Uganda’s Buganda Women’s Union sponsored a 3-day conference focused on peace in the family in August 2014. The guest speaker from Kenya gave a passionate keynote address impressing on women new ways of thinking about the Bible, with a focus on passages that are interpreted to reflect women’s subordination to men. Many religious groups, including those of Christian and Muslim faiths, are working to reduce domestic violence, and to promote better handling of cases when they are brought to religious leaders.

The Man’s Role is to Support the Family

The man’s role and responsibility to provide support for his family is embodied in his position as a recognized head of the family and defines his relationship with wives

and children as someone who must be “respected,” discussed more below. Most women in Kyegwelede say “I don’t know” and/or “you can’t know” what a husband’s income is, but the expectation is that he will pay rent, school fees, and provide “table money” for daily cooking. The man’s role as “provider” is inscribed through both customary and statutory law. In addition, efforts to promote gender equality, which primarily address discrimination against women, have also brought attention to policy that expects the male to be the sole income producer for the family. This was noted above, in reference to alimony. Yet, family court registrars are full of cases of men brought in front of magistrates for failure to provide “maintenance” to children.

Ideally, men “provide,” but in reality, men fall short for varying reasons, including inadequate employment. In addition, even when men pay for basic necessities, women talk about needing money for other things – for hair plaiting, clothes, money she might want to send her parents, as well as to fill the gaps between what a man brings home and the family’s real needs. Six of the 19 women I interviewed in Kyegwelede had children from relationships prior to their current ones, most when they were still teenagers. Yet, custom prevents women from bringing another man’s children into marriage (although the man brings his) even though the biological fathers had abandoned almost all of these children putting the mothers into the role of “provider.”

Women meet income-generating needs in a variety of ways, including from further reliance on her husband, creating her own micro-enterprise, and saving money from the daily allowance her husband provides. As noted above, individual women’s stories reflect the contradictory global findings linking women’s income generation with both protective and increased risk for VAW (Vyas and Watts 2008). In Uganda, norms

around women, work, and, how both the man's and the woman's income is accounted for are in transition, marked in my research by differing opinions and active debates when several women are together discussing varying scenarios. The challenges associated with this cut across socio-economic, educational, and ethnic diversity.

All but five of the 19 women I interviewed in Kyegwelede were engaged in some kind of income-generating activity at the time I interviewed them, and in the months after two of the five non-workers began some kind of home-based business. The ability to work outside the home was the most commonly cited positive change for women since their mother's generation. At the same time, for some women, there is tension with their husbands about her earning money, and, overall there is a considerable amount of patriarchal control of women's work and her resources. In addition, some women resent the need to contribute money for household needs because they perceive this as their husbands "role," but they value the economic independence earning provides. Other women had more gender equitable attitudes, and said they did not mind sharing in the responsibility as long as the man was working and trying to support the family, but perhaps he does not make a sufficient salary or the employer does not pay on time.

According to one woman:

...the role of the woman at home is to help the man to look after the children - like if the man says that today I have not got the money, please help me do some things, you will help because he has told you that he has no money; or, if he asks for money, you have to help because you are aware he doesn't have...

The tone in which this was said was very different, however, from that of what women told me who know their husbands are spending the money on another woman, or on alcohol. Evelyn has a husband who provides much of the time, but he also drinks a lot, a habit she tells me he has had since the beginning of their relationship, and she says he

uses a lot of the money he earns for alcohol. He often comes home late and can be abusive when he is drunk. Sometimes there is not enough money to pay rent. She used to work and make good money and they bought things together. They live in a house that is nicely furnished, has electricity and a television. Evelyn talks about “joint budgeting” at the same time she talks about her husband’s control over her resources. Her discussion provides insight into some women’s dilemmas around working:

When I met him, he did not have anything, we just started renting a house together and buying things together. Then every month we would plan, we bought the TV and everything. ... I work, he also works, then when I got money you find that I divide part of it for my mother and the rest for my house.

[then...] he would want my money; he would not want me to send the money to my mother. If I would get money, he would say that you put the money here and if I told him that I want to send it to my mother [who is caring for her child], he would become so agitated and he starts to quarrel. So I thought to myself, if I work, my mother would expect something from me, if I can’t help them then there is no reason for me to work.

She sees their ideal roles in the following way:

...he provides the food, he pays for the house, and he has to make sure that the children go to school. He is helping to pay for some of his brother’s children in school, and then help people in the village. Then me, as his wife, he has to make sure I am taken care of and looking healthy.

...I work at home, I have to make sure that when he comes home during lunch time, food is ready, fetch water, and generally find the house in order as his woman. ...when I get a job, I should make sure I contribute for some of these things. For instance when the money for rent is not enough I should be able to step in. Maybe I give him half to help lighten his burden.

I ask if when she is working would they share the roles at home. She says:

He cannot do it. Our Alur culture, you know, men are not supposed to do house chores, so as a woman you should set the time when you will have to go back home and do house chores. But for him - he knows there is food and if it is not there, they blame you, the woman.

In our culture, you find if he has come back from work or if the both of you are working, when you reach home, you are supposed to give him food to eat, you have to make sure he eats, give him water, and you have to keep the house clean

even if you are tired. Even if he goes anywhere to relax, you the woman, you have to be home. And, you have to make sure he looks smart so that when they see him, they can be like, ‘he is the head of that home.’

You know in our culture, Alur, the man is always on top even if you have a woman who is more educated than you, the man is on top. And if you are the woman and you want to be in top, you will get a lot of insults. That is why all the time, it is the woman’s responsibilities to be submissive to the husband and do house chores even if you are the one providing for the family and the man is not, the man will still be on top. So that they know that despite the fact that the wife is high, he is taking care of the wife.

Sylvia and her husband live in one of the gated houses in Kyegwelede. Her husband is older, and considered an important man in the community. He owns rental properties and is on the board of a local association. He set up a shop for her, where she spends the day to “*not be bored,*” but also to support children from a previous marriage. She says: “*I just can’t sit and not work, because I have children I take care of, those ones I told you about, they are my responsibility. If I don’t work that means they will not go to school.*”

Halima tells me:

For the woman, it may be upon her to work, because they introduced the system of women working, but she works just to help on the issues at home - like I told you – paying fees [school], food, and others. If a man doesn’t have the money you help him out but a woman can’t be equal to a man.

A number of women I interviewed, and others I knew, talked about their husbands not wanting them to work, or wanting to control either how they work or the money they earn. Grace, an Alur woman who lives near where I stayed, makes and sells products from sesame seed (“sim sim”) she brings from her home area of Nebbi in the north. Her husband, also an Alur, is a driver and mechanic, and earns a regular salary. They budget together, and he pays for most of their needs. She uses her income for some of their daily food needs, because his work takes him away from home, sends some money to her

parents, and she contributes for big items they might buy such as furniture and electronics. However, some years earlier, she had a much more lucrative business and was making “*a lot of profit*,” but it required her to travel. Her husband told her to stop because “*he would provide everything*.” She said:

Some men are jealous over their women when they do their business and it is successful. It makes you very sad because you are even helping him to take care of some things. [I gave it up because] it would have brought a lot of quarrels. And people were giving me advice that if you see it will bring quarrels, you leave it.

Saleema

Saleema is one of the first women in Kyegwelede to befriend me. I pass what I later learn is her husband’s shop on a daily basis. She tells me she gets to the shop at 4:30AM to make chapattis, fried cassava, and mandazi (fried dough) that people buy for breakfast; and, in the afternoon, she is at her sewing machine. She is not a tailor but she can repair things that need stitching, and she always has a pile of cloth next to her. She has a bench in front of her machine for customers, and she always invites me to come and sit. Customers interrupt us frequently to bring or collect items, and sometimes to buy airtime,⁶⁷ which she also sells at a small profit. Sitting there, and sometimes visiting her home, I also get to know her three children - two boys, ages 10 and 7, and a 4-year old daughter, “Mariam,” who I bond with a bit. I often see Mariam running between the shop and their home, which is just across the small road from mine, and sometimes she slows down to walk with me.

⁶⁷ Airtime refers to pre-paid mobile phone credit, which is purchased and loaded onto a phone in a number of ways. For low-income individuals typically airtime is purchased in small increments on scratch-off cards that have codes that when input into a phone provide specified units of talk, text, and for smart phones, internet usage.

Saleema is Muslim, in her mid-30s she thinks, and Kakwa, which is a Nilotic group from near the border with Congo and not far from Sudan, where her home is. I fail to find a Kakwa/English speaker in Kampala to help us communicate more deeply, though Saleema's English is fairly good. Eventually I visit her at her parents' home, where she ends up a year after I meet her, with an interpreter I locate in a nearby town.

Her husband is older, in his 40s, also Muslim, from a town about one hour from hers in northwest Uganda. He attended a school of engineering but did not complete the program; learned printing and does a small amount of this work; opened a shop in the community, but it has little business. Saleema complains that things do not go well with him – he is a planner, not a “doer.” She tells me that over the past three years, he began supporting the family less and less, and over the year I know Saleema things deteriorate until he is doing almost nothing. Saleema tells me he chews *marungi* (khat).⁶⁸

Meanwhile, Saleema works long hours trying to pay school fees, buy food, and supply the family with everything else needed. She talks of constant stress, various physical ailments, and “no rest.” She also tells me of her business plans. She wants her children to have good educations and land for the future. When we are alone, sitting in the back of her husband's shop, or in the sitting room of her 2-room house, or at my house, she is often emotional and breaks down in tears. But, when I find her outside in the community she beams, and I often can hear her laughter as she is washing or cooking in the courtyard of her home with neighbors through my window when I am home.

⁶⁸ According to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), what is known in Uganda as marungi is the young leaves and shoots of the khat tree. Chewing the leaves produces mild stimulation, and for some is part of a cultural practice (<http://www.emcdda.europa.eu/news/2011/3>). In Uganda there is increasing attention to the use of marungi, and in late 2014 the Narcotic Drugs and Psychotropic Substances Bill, 2007, which prohibits use of marungi, was finally passed by Parliament. (<http://ugandaradionetwork.com/story/parliament-passes-narcotic-drugs-and-psychotropic-substances-bill>). Accessed June 25, 2015.

Saleema is one of the few women I talk to who believes that men and women should work together, pooling their income, for the welfare of the family. She does not mind the idea of helping her husband to support the family. However, over the last year or more, her husband began interfering with her generation of income, which was the income sustaining the family. According to Saleema, his family members were influencing him to put pressure on her, *“they were telling him to pick the money I was earning....[yet] he doesn’t want to do any work, he was just depending on me.”*

The first incident Saleema shared with me was about the airtime she made small bits of money selling. Her husband decided they needed to share the profits. He began taking money, and airtime, from the bag where she kept both income and saleable airtime. In the end, she was losing, rather than making, money. After this, he declared that the sewing machine she used for considerable daily income was his. He told her that she would have to hand the profits to him for him to manage, because it was his machine. This was the result of a “family meeting” with her husband’s brother where they told her that either she not work and stay home, or she has to “share” the money with her husband. On the advice of her own father, Saleema decided it was best to sit at home.

Shortly before this, Saleema asked me for a 1 million UGX (~\$370) loan, to support her business plan, which I provided. Several days later she told me she had to return it, though she kept 100,000 (\$37) as a short-term loan, because her husband would not allow her to follow through with her plan, telling her she did not understand business. The story I shared in Chapter 3 was when she became anxious to return the 100,000 when her husband and his family began pressuring her more about “sharing” her income.

Soon after this, Saleema told me she was sending the children to the village with her husband's sister, who lived beyond her own home that was in the far northwest. I was surprised because she had told me more than once how important it was to her to stay with her children. She told me later:

Since last year the man refused to pay the school fees of the children. I was trying to tell him to start paying the school fees, let me be paying the loan [a loan he had taken she had signed for]. He couldn't do anything about the school fees or the loan – I had to start paying [both] at the same time, and feeding was a problem at home. Now when things started becoming hard a certain man, a relative [of her husband], was observing everything that was happening – he said it is not good for these children - life is becoming hard – it is better to take the children to the village so they can get at least something for feeding. That forced me to send the children to the village. That is the time the [husband's] sister-in-law came and picked those children because things were not easy.

Soon after this Saleema got pregnant with her fourth child and became violently ill for several weeks. Her husband began selling the furniture and abandoned her without leaving her any money. A neighbor took her to hospital and contacted an uncle who lives nearby. He called her father who sent her mother and sister. After several days in hospital and fluids, she was still weak, but well enough to travel home with her mother on an overnight bus. As she was departing, she went to the credit union to get her savings and found that it was almost all gone. Telling me about this she said:

There was a time this man said he wanted a loan for business and I even signed for him, but he doesn't pay it. The money I was saving for myself – they started deducting every time...this is affecting me inwardly very badly.

When I tried to understand the dynamics, because over the year of knowing her, things seemed to have spiraled downward, she said his behavior had changed these past three years. She explained that she had put 5 million shillings of her own money together with 3 million of her husband's and purchased some land in a district near Kampala. The title

had not yet cleared but it was in her name. He forced her to change the papers so that the title would be issued in his name. She said when he realized the land title would be in her name:

The man started becoming hot...he became angry on me. The family members, brothers, started talking against me. Now the man changed totally. I was telling the man, 'this is for the children; you never know in future something may happen –like you husbands can marry a wife and then abandon me. Where will I live? That thing should be an asset for the children or my own self – when there is a problem in the future I will be settled.' For me, I can't support the husband's behavior. He turned the name on the title by force to his. Even one time he quarreled on me – he said your behavior - I may kill you. I don't have a gun but if I had a gun ... I could kill you.

Saleema's experience reflects the statements made by activist Jacqueline Asimwe about women attempts to own land being seen as "*misbehavior*," cited earlier in this chapter.

The prevailing custom of needing a husband's permission to work outside the home remains an issue for some. A young woman in Kyegwelede told me she applied for a job at a location just a 10-minute walk from her home, but she was concerned her husband would not allow her to take it. The business owner suggested she call the husband and invite him to come meet with her. This solved the problem.

Among the women I conducted in-depth interviews with, the only one who left Kyegwelede to work was Millie, the same woman who "performs the role of a man as well as a woman." I knew two other women in the community who had similar jobs, but one was widowed and the other also had a husband who was largely absent and unreliable for support.

Three women, including Grace (above), told me they know how much money their husband makes in a month and they communicate about financial needs and

budgeting. Interestingly, all three of these women also report that their husbands are willing to share in household tasks.⁶⁹

Many women, however, told me that even if they work they expect the man to support them. According to Sophie:

It is natural, a man has to give a woman [money] even when you are working, and if the man doesn't give you anything you feel bad even when you can afford everything yourself.

Norms relating to the man's role as provider are not limited to women living in the "slum" areas of Kampala. "Elite," or professional, women talk about the challenges of resolving their ideals of "gender equality" and "feminism" with deeply held beliefs about the man's role to support the family. I asked an activist whether the work of her organization included efforts to dismantle patriarchy within homes, for example, that the man is the "head" with the primary responsibility for "support," or if the focus and "stopping point" was generating relationships of respect, shared decision-making, and no violence. She said:

Quite frankly...that [the latter] is what I think, beginning with staff themselves, me included. These are very difficult issues to wrap our heads around. Recently [one of] our staff is sharing how they looked at their budget with their husband, what they spend, what they earn, and they decided that they will spend like this and like that and she will contribute 40% and he will contribute 60%. And most of us female staff are like wow - I only want to contribute 20% - I am not his mother! So that is the beginning. So I have been interrogating this. And it is difficult even for us to identify with equality in the true, true sense of it - as you say - that god is [laughing] genderless - and man and woman are equal in totality - [so] then I imagine in communities it is worse.

⁶⁹ While one can't draw conclusions from such a small number of cases, it is interesting that for one of the couples both husband and wife are Alur; for another both are Acholi; and another the woman is Mutoro, and the husband is Madi (a Central Sudanic group). All but the Mutoro wife are from non-Bantu groups and the Acholi and Madi are conflict-affected groups.

“Women take care of the man (and children)”

The role of the woman is to care for the man, children and home. This includes preparing tea, meals, bathing water, cleaning, doing laundry, organizing children for school, and other things involved with taking care of the family and home. For most families in Kyegwelede, children, or the woman, and occasionally the husband, get water from a nearby tap, where it is purchased by the jerry can. A few women have a plot of land nearby where they grow vegetables, and so they may spend time “digging.”

Hamida tells me her evening ritual with her husband, a ritual I have heard from others: “When he comes the first thing I do is to welcome him back home, I greet him, give him tea. After he takes tea, I take for him water in the bathroom and he bathes. After his bath I serve him supper.” I ask if she kneels when she serves him. She says, “I kneel. It shows good manner.”

Women’s roles, particularly around cooking and serving, are entrenched among all social classes. I talk with Linda, a seasoned activist on VAW issues, about the challenges for women who are university education and have professional jobs – women considered among the elite class. I had commented that unlike in the US, in Uganda household help is affordable. She replied:

Many people can have household help but if that household help is doing most or all of the chores that is going to be another problem. I was at a [event for women] ...it was more like a ssenga talk – and some of the things the older women were saying were making sense - you have to have modern coping mechanisms. ...because you have to work – when are you going to cook? Then again, if you go home, sit on your laptop and [house help] serve every day, you are going to get challenges – [from your husband] how you are not playing your role. Meantime you are also expected to contribute financially. These women were saying – ‘no, no, no - don’t kill yourself with that issue – teach them [house help] how to make it, but make sure you serve it. Flavor it, move pans around...’ That is what I call manipulating the system – because what am I going to do... the man is going to say ‘she doesn’t do any work, she makes the house help do all the work’...and

meanwhile he will even get another partner...but at least this will save a lot of headache. [They say:]‘Just serve it on the table. These people [household help] will wash the stuff – but [laughing] you have played your role.’ So yes, people have household help, but trust me, if you leave everything to the household help it is going to be another problem. People are just learning how to manipulate – because you still have to play the role of the traditional wife but also a modern wife who contributes.

Respect is a very important principle within all Ugandan cultures and an important part of “caring” for a man is demonstrating respect. One shows respect for those who are older, important people in the community, and for men. The performance of respect entails ways of greeting, the kinds of things one person does for another, and the way in which a person fulfills obligations to another. For married women, the performance of respect to her husband is of primary importance in the relationship. The way respect is shown, or not, may be cited as the reason a man might “discipline” or “punish” his wife; and, the “respect” a woman has for her husband is often the reason she will not report abuse. A woman’s job is in part to position her husband as a person who is respected not only by her but also by others – his children, his family, clan, neighbors, and community. The exemplar of disrespect is to humiliate a person in public.

In Luganda the word for “respect,” *kitibwa*, and the word for “to be feared,” *kutibwa*, are very close. And, the basis of showing respect to your husband is respecting your father, who you are supposed to also fear. In one focus group I conducted in Kyegwelede I asked women about this. There was consensus that the two concepts “move together.” Women said, “*It’s hard to respect your husband without fearing him.*” In a second focus group, I asked more about what “*kitibwa*” means in terms of how one “acts.” The interpreter used the word “*okweyisa*” – meaning how do you “behave well” to indicate respect. One person said, “*Whatever he says, you listen; whatever he wants, you*

do for him.” Another said, “*Being loyal, whatever he tells you, always submit.*” After a bit more discussion, the group said that “respect” was about “*mpisa*” – or “manners.” One person equated “*mpisa*” with being “submissive,” while another said it means, “being humble.” Ultimately, there was agreement that being “submissive” sums up “showing respect.” The concept however, is more complex. A woman said:

You can be submissive [translator note – she means “humble in his presence”] but without doing what he told you to do. You become submissive in his presence but when he is away... He can tell you ‘wash for me my clothes,’ and you say ‘I will wash them’ but when he goes away you don’t wash them and he finds them dirty. Therefore, that means you are submissive but you don’t respect him to do what he told you to do.

I asked how showing respect differed for them, compared to their mothers.

...women of today have freedom; they are educated, they don’t want to be controlled too much; they want equality. The other thing is that nowadays there are many laws...laws for women. When they used to beat the woman she could go back to her home but nowadays she goes to the police.

Gloria told me – giving voice to the contradictory messages she has internalized:

The woman is supposed to respect the man the most – to give respect to a man as the head of the home. [He also] is supposed to give some respect. You have to respect each other equally.

Feeling respect for a husband is inherent within one’s identity as a “wife.” To be a wife is to embody and perform respect for a male partner, discussed below as well.

Several women articulated the tension between this and the ideal that in marriage the husband also shows respect for his wife. When respect is not mutual, however, women rarely abandon their own internalized responsibility to do so. In my second interview with Millie, I ask how often her husband comes to their house. I have already heard from Millie’s co-wife that it is rare but I wonder if she and Millie have the same experience. She also implies it is infrequent but states: “I prepare food, if he comes he eats.”

Knowing that for many women to serve food kneeling is a sign of respect I ask if she kneels if she serves him. She replies:

I can kneel because I call him my husband, the father of my kids. [It is] respecting him (*okumuwa ekitibwa*) ... Even if he doesn't help me, I give him respect. ... I take him really as my husband. I do respect him.

For some women, it is only when the most severe abuse threatens their survival that they are willing to go against the principles of "respect," which include not to humiliate a person. For others, even severe abuse will not allow them to break this bond of patriarchal power.

I met Patricia, who lived very near me, towards the end of my time living in Kyegwelede. She has a BA degree from Makerere University, and she met her husband while in school. She told me she was young and swept away by this man, who she came to live with in Kyegwelede, and within a few years she had three daughters with him. He paid bride price for her but they did not register the marriage and he never followed through on a promised church marriage.⁷⁰ She narrated a story of severe abuse that started soon after they started staying together.

So what hurt me most was the way he would lock me outside. Come rain, come shine. One day I had just given birth to this last daughter of ours, now 3 years – my mother had just spent a week with me – the day she left – the man was like, 'where is my phone ,where is my phone' – I told him I don't know – I was comfortable seated because I didn't know he would hurt me, I had just given birth. He pulled me, started punching me – the baby was very small – I ran – as he was punching he I was telling him I thought you loved me. He said 'eh – I've done that to you?', he knelt down and apologized, but still he was not himself. I ran out with my baby up to [nearby] – I was there, I didn't want anyone to know because it was my fault, they had told me not to go back to him and I was with him. The next day I came back home. We went on like that. Every time he would try to please me, he would try to be good– why I didn't tell people I don't know.

⁷⁰ Although technically this is not a legal marriage I counted this among "legally married" elsewhere because it is likely a court could be convinced of this as long as there were sufficient witnesses to the introduction ceremony.

Patricia says one time, prior to the incident above, she went to the nearby police station where she found one of her brothers, who is Deputy Police Commissioner (DPC) for another town. He was with the local DPC.

This DPC of ____ was like – ‘tell me what I can do and I will do it.’ My brother was suggesting – ‘let’s go - they climb over fence, they pick him.’ But before, the lady in charge of family affairs called and told him [her husband] – ‘you have to come’ – he told her ‘I can’t come - issues of my family are between me and wife.’ This is when the DPC said we should go and pick him. But, then I thought – how would the neighbors see it – those policemen climbing over the fence – they are going to pick him. I said no – let me go home with my brothers - I pick my things.

For Patricia, to have her husband arrested, despite the embarrassment she has already suffered, would be the ultimate humiliation – for her husband but also for herself. “*How would the neighbors see it*” is a phrase I heard not just from Patricia, but from other women.

The Embodiment of Power and Inequality: “I kneel - he is my husband”

Women’s bodies perform and practice, as well as resist the social context of patriarchy and gender inequality in Uganda through daily routines and activities, as described throughout this chapter. Through these performances and practices, which can signal both acceptance and resistance of normative gender constructs, individual women’s gendered identities are shaped and reshaped throughout her life reflecting dialectical, not passive, processes (Butler 2010 [1997]; Foucault 1988). As will be seen below, for example, kneeling is seen as a demonstration of “respect,” itself a complicated concept; but a woman’s act of kneeling is an embodied expression of her own experiences, as well as her own intent.

In addition, parents, men, other family members, the community, and institutions use women’s bodies to reinforce social scripts and to discipline resistance; even as some

women, and some men, persist and effect change at individual, community, national and global levels. This includes the physical, sexual, economic, and psychological violence that is directly imposed on women, as well as the structural and symbolic violence that women confront on a daily basis (Farmer 2004; Scheper-Hughes 1992).

Performing and Practicing: Shaping Identities of Acceptance and Resistance

Sonya Plesset introduces her ethnography on changing gender relations and intimate partner violence in Italy with a description of “...fare bella figura, which connotes the performative aspect of putting on a good display” (2006:10). She details the many meanings of *bella figura* or *brutta figura* (cutting a poor figure) that range from how institutions and politicians behave, to how individuals and families dress, entertain, work, and vacation. It governs all aspects of life and Plesset notes “the actions associated with making a *bella* or *brutta figura* shift according to place and context as well as by gender, age, and class.” In the same way, in Uganda, the notion of “respect” governs all aspects of life, and the performance of respect is determined by the relational context of power and inequality defined within a patrilineal and patriarchal context by sex, class, age, and other factors.

Throughout Uganda, kneeling is traditionally considered a sign of respect, as well as submission, and a marker of hierarchy. The importance of kneeling varies among ethnic groups, and its practice is the most pronounced among the Baganda. Within Baganda culture, children kneel for their elders of both sexes, and men can kneel for very important people, as well as their mothers and other maternal relatives. A man and his family will kneel at the introduction ceremony to his wife and her family, and a few men will occasionally kneel for their wives to apologize; occasionally to express affection; or,

when they want something, such as sex when a woman has refused. However, it is women and children who kneel on a daily basis – performed out of obligation, to show respect, and/or to bestow respect in public. Within urban Kampala, particularly among elite women, customs around kneeling have changed, even among the Baganda, yet in my research I found that kneeling still played an important role in most women's lives, regardless of culture, making it a useful example for this discussion.

Out of 17 women who I asked, almost all (except two) say they kneel to respect their husbands, although how much and when varies considerably. The two women I interviewed who said they do not kneel are actively resisting an expectation. Linda, a Mutoro, age 18, with a 4-year old, told me: *"In our culture we can kneel; but me, I am not kneeling. For him, he complains I am not giving respect."* Harriet, a Muganda, says that her mother died when she was very young and she was not brought up to kneel. She says: *"He likes it so much for me to kneel, but it defeats me, I can't. The day I kneel down it will be a miracle."* It is also resistance based on him not paying bride price. She says she told him, *"...the day you come and pay the bride price that is when maybe I will kneel."* Harriet performs, and resists, respect in other ways. She explains:

When he comes [home] serve him properly [tea, then food]. What I don't do is take water in the bathroom for him. Because that is supposed to be told to me by my ssenga [after he formally "marries" her with bride price] - that is when she will tell me to start taking water for bathing.

She defines "respect" a husband shows a woman by saying,

The first form of respect is going to visit the woman's place for *kukyala* [introduction where bride price is paid]...even taking you and showing you to his people – he has respected you. Most of the time men don't take a woman to his family.

Harriet also told me how she refused to be beat:

I remember I was young and having my first born, who was around one year by then. We had a misunderstanding and he slapped me. Because I also wanted to fight with him, I also slapped him. Because he was older than me, he commented that it's an abomination to slap/beat a man. ...I was having a lot of anger because I was never hit while growing up. Therefore, I picked up my things including those for the baby and left the home. The man came to my sister's home after a period of one week, he begged for forgiveness and then I returned. He promised never to hit me again. Since then, he has never slapped me.

On the other hand, Sophie, a very large 41-year old mother of twins (an honor), told me that she would even kneel for the husband of a much younger woman.

Take for example, Sarah [26 year old women who we both know]. She likes me, she even calls me mummy, so I respect her husband and I take him as *muko* [brother-in-law], and if her husband greets me I sit down or kneel to greet him.

However, for her own husband, these days she only kneels to him in public, but in private, it is not necessary, as he can see that she is busy with babies at an older age. Yet, if he comes out to the porch while we are talking, she would kneel to confer respect to him in our presence. Sophie also says women tolerate some abuse in marriage.

Millie, whose story was partially told earlier, uses her body to perform male roles, not out of resistance but out of survival. For her performing a male role is disturbing and she is abused within the community for doing so, but she sees no choice in working to ensure the survival of the family:

Okay I feel bad because you do the work not worth a woman but you just you have to do it to help the children. Four months ago, I felt sick because I was doing heavy work. I used to potter at a construction site and was mainly carrying sand and bricks. Such kind of work requires a man not a woman but I have been doing it because I wanted to help the children and sometimes I have nothing to do so I am like let me just go and work.

I am insulted because of doing men's work. They call me stupid and wonder why I am doing men's work, why I am doing all that, some ask why did I agree to be with that other woman in the same house, because all that work is not yours - it's for the man because it's not me who married her. Why are you looking after that other woman? ... I forgive them, I don't care when you come to my place and start insulting me. I just keep quiet and look at you after I leave, I ignore them and

sometimes when I respond, I tell them that my co-wife (*mukyala muja*) has no problem, she was just conned by the man.

Using Women's Bodies to Reinforce Patriarchy and to Discipline Resistance

As part of the 2011 UDHS women were asked if a man is justified in beating his wife if she does any of five specific things – burns the food; argues with him; goes out without telling him; neglects the children; or refuses sexual intercourse. Nationally 58% of women responded “yes,” beating was justified in response to at least one of these. Specifically, 17% agree beating is justified if she burns the food; 29% if she argues with him; 39% if she goes out without telling him; 45% if she neglects the children; and 22% if she refuses sexual intercourse (Uganda Bureau of Statistics and ICF International Inc. 2012:229)

Forced sex in marriage is a controversial topic that I asked many women to talk about with me. Some women said they can tell their husband “*no*” if she is not in the mood for sex and he will respect it. Many others said you cannot resist. Some believe that there is no such thing as forced sex in marriage. I asked Agnes what types of domestic violence she thinks women should report. When it came to marital rape, she said, “*You don't report such! He is your husband, what has he removed from you that is new...?*”

Cecilia shared how her husband disciplined her response to his demands for sex.

We would seriously quarrel, when I would look for money from bananas, by then the money was not enough. I would wake up very early in the morning to look for bananas and come back when very exhausted from trying to look for some money and he just wants to have sex. We had a serious quarrel. He would even go and drink alcohol and spoil my name that I don't want to give him sex.

There is a time when I was pregnant, I refused to give my husband sex and he beat me. He took himself to my friend of 8 years and asked my friend why I was refusing to give him sex... My friend told him to send me to her and I went and she told me what he had said. I told her that yes, I refused. I told her that I was tired and I am heavy. When a man is drunk, it is hard to make love with him. Me I don't drink, so it kind of irritates me. And I did not like the stench of alcohol.

Later telling me about the same incident, she said:

I can't [report that], even if I was having my mother there, I can't even report to her...I can't do that, because it was my mistake. ... there are obvious things...he is the father of your children, the head of the house, just give him those few minutes - he does and he goes away... You know even if you lay like a dead body you just let it be. With the irritation and frustration you just feel like killing this person but you can't do it. Even if he has come back drunk and smelling alcohol and he asks you for it, you cannot sleep and if you refuse, it will lead into a lot of problems. When he quarrels and you give him sex, he will keep quiet.

It is rare for him [her husband] to beat you up without a reason...

Slapping is another physical assault that many women accept as part of marriage.

The first time I met Gloria she said: *"If he is helping in the house, doing things, helping, and he slaps you every 3 or 4 days – that is okay. But if he is not even helping you – and on top of that he is beating you – that is not okay!"* Agnes told me, *"... by the time the man reaches the point of slapping you there is something that has annoyed him - that you have done in the marriage."* I ask for an example:

Abusing him in public spaces – it is not responsible for a woman to abuse a man in public spaces. Talking about your husband in public – saying things like that he doesn't provide for me. It is embarrassing him - you have to keep some things in your heart that you don't spread out there.

Sophie talked about pain from physical, as well as emotional violence, but also indicated it is something you endure in marriage.

It [a slap] hurts but after some time you leave it. And you go ahead with your marriage. It pains and is embarrassing but leave it, though you are in pain...even you treat yourself and forget it...you can also show them that you are annoyed but then you forgive.

The other thing is I might be legally married here, you know men of these days marry you and be with another woman somewhere, so before he dies he speaks and say that I am dying but there is another home, but it is not yours so don't touch anything. They are for that woman and her children and all this belong to you, we have such cases also ... I will not lie - it pains but I say come what may after all my husband cares.

According to Hamida:

There is beating so as to put some discipline and there is beating so as to punish. Some men beat so as to discipline and others beat as a form or punishment for what has just happened at that time. I don't know how I can explain this to you [laughing]....If you have done something ...if he tells you something and you answer him back he may slap you out of anger so as to discipline you never to answer back when he says something....For discipline he gives a warning but for punishment he will just beat you.

Saleema often talked about stress and pain, both mental and physical, that comes with being a woman.

Mothers cannot have a rest. Every day I am there [at the shop]– by 4:30am – prepare – kids take tea, and I pack something they take to school. They don't eat lunch there – so I have to fry mandazi, chapatti and they eat that and push up to the evening. You feel painful...

She told me the story about when her husband's and her parents "*sat for the marriage issue*," four or five years ago, and the continual emotional pain:

...the husband's family said they did not have anything at that time but they were searching... It took some time, then they brought 3 cows. Those cows they brought, I am not sure what the problem was, if they were not healthy or what, but they died. So my people rang them saying the things you brought... In our culture if the husband's people are not happy they feed the cows something – they put *kaviras* [plastic bags], put salt – the animals will eat and when they reach...they die. [When they brought them]...they did not sit with the people – they just offload those things and go. [my family said] 'You people, why don't you sit and take tea?' To leave the cows like that and not sit...[tone of exasperation] – it was like they are in a hurry. Then they died.

When those cows were brought and all of them died - from that time, I am not feeling okay. I have a lot of heart pain – sometimes I have a lot of thoughts in my mind – what is happening? Something they brought for me and immediately those things just die?! Maybe they are talking ill after me? How is it going to be in the future? Will it not affect the children? Now when I talk to the husband – I am asking - why are you not minding of taking something? Last time those things that were brought - they died. He just replies that he is still searching. ...I am not feeling okay – up to today I don't feel okay because they have not taken something after me [dowry].

Mary's story is an interesting example of the dynamic process through which women shape and reshape gendered identities that influence how they navigate marriage

within the context of patriarchy. Mary is 23, speaks fair English, completed Senior 4, and has a one-year-old daughter. Mary has a strong personality, with definitive opinions that include what she has heard from others about male infidelity. I came to know Mary as someone who walks a grey line between an urban, and less traditional, life and one that upholds the normative roles of her mother and aunties, who she visits often. She is married to an older man, age 35, who so far, in 4 years of cohabiting, has never slapped or beat her, has a regular job, and provides support to her and their child. He also performs a few tasks in caring for his own needs that typically a woman would do for her husband. This has been disconcerting for Mary, who wonders whether not performing respect in traditional ways will lead her husband to question her respect for him, causing him to beat her or get another woman. Mary explained that on work days her husband gets up very early, heats his own water for tea and bathing, goes through his morning routine very quickly, and departs for work. She made a point that he has a special way he likes his tea – saying he takes little tea with his water, like *Bazungu* (white people). In addition, he tells her not to iron his clothes and on Sunday, he irons all his clothes for the week. Mary said this has been “confusing.” Initially she wondered if he was in fact taking his tea elsewhere, something that can reflect poorly on her, and/or be a signal that he has another woman. She consulted her “aunties” and they suggested she prepare the water the night before and put it in a flask to stay hot overnight. But, he said ‘no,’ and insisted that he could heat his water himself. Mary talked to her *ssenga*. The *ssenga* paid a visit to the husband to talk with him, and then reported to Mary that it was okay; her husband did not like the idea of the flask and he also didn’t want to disturb her at 5am when she could continue to sleep. Mary says she was relieved but she talked at some length about this

and other issues that made her think her husband might end up feeling she does not show enough “*respect*” for him. Mary says she listens to stories about domestic violence on the radio and from friends. She is reflecting how she felt after hearing one particular story but also it is a persistent worry I have heard from her. The dialogue with Mary went as follows:

Mary: So I was [am] worried [laughing]. I said eeh this thing can also come to my place so I was worried. Me, I just pray to God. ...Because such people who get such problems. They lose hope in life... they stay when they are miserable. That is why I fear such things.

D: I have heard you say this before and have wanted to ask you. What makes you think it will happen to you?

Mary: The way I behave, maybe even, and, also the way the man behaves.

D: You think the way you behave he can beat you?

Mary: Yes, if I change my behavior [laughing] because now I behave in a way that he cannot beat me but if I change, that condition can come.

D: And so how would you describe the way you behave now?

Mary: So that I do not get such problems? For me, the first thing, I do not want to quarrel even if I am annoyed, I talk a few words then I keep quiet and sleep because if I talk too much you never know the man can...the hunger can be too much. He can even punch you or slap you, so for me I talk few words. If I explain to you [her husband] and you fail to hear I just write the message on a paper, I put on a table and go so I do not want to talk too much yeah....There is a woman who taught me that thing.

D: So how difficult is it for you to behave in that way? You seem to be someone who likes talking so I am wondering, is it difficult to you?

Mary: That life is difficult! Because if you do not want to talk when you are two in the house - there is no talking - you just write - someone reads - no answering - someone can read and wants to explain to you what is all about this and for you, you do not want to talk - so it hurts so much.

D: So you said the way you behave and also the way the man behaves. So how is he behaving in a way that prevents you from quarreling, or is it all on your side?

Mary: The way he behaves - if there is something wrong, he just tells you that this is wrong, stop it. Or, he tells you ‘do like this.’ So if me, for example, I say, no for

me I have to do like this - saying that I am on top [acting like she is the head] - now that one he can be annoyed and start quarreling! But if he says, please we should do this like this, and I accept, he cannot quarrel.

Mary was disciplining herself so that she maintained a behavior that in her mind would not trigger abuse from her husband. A common conversation among women was strategizing how to perform their roles in ways that would not give men “*reasons*” to slap or beat them.

Addressing Domestic Violence – *Ruth, Gloria and Saleema*

In this section, I return to the stories of Ruth (co-wife of Millie), Gloria, and Saleema to highlight their perceptions about what constitutes domestic violence, their knowledge of legal and non-legal options for support and justice, and what choices they made to address violence in their lives.

Ruth: I can't go home...my brother has too many children already there...

Ruth's role is of second wife. She says she kneels for Millie, who she affirms is the head of their family, and she speaks about Millie in respectful, as well as appreciative terms, and says, “We are one...we cannot even...differentiate between the children.” She tells me that her relationship with her co-wife is very good, although she would prefer to be the only wife. She says, “It is because of problems that led me to be here...”

Ruth says that no abuse is “normal” in marriage but when I ask her what she would do if her husband slapped her she laughed and said, “*There is nothing to do – I cry.*” And, if her husband wants sex and she does not, she said you can try to refuse, but if he really wants sex, “*You will be having no choice because you don't have the energy to fight.*” Ruth holds traditional views on respect for her husband, saying she gives him

respect for bringing her from the village, but also so that the children will learn from her.

She says her husband does not respect her.

If he could respect me he could not be committing adultery outside. [He does] lots of things [that are disrespectful], for example making decisions on his own without asking... You see at this time I have not even lit the charcoal stove – we are looking for [money for] charcoal – but the man is at the shop. For him, he doesn't give money... to get it we have to go to the shop and quarrel and quarrel - that is when he gives money for the foodI can tell him I don't have clothes, he doesn't buy clothes; pay children's tuition; there are lots of things I ask for, I am never given. ...There is nothing practically you can do. You just look on.

I ask about other things the man has done and she says:

There was a time...we used to borrow money from the bank. We had a business we wanted to start on. He came and took the money and we hadn't started paying it back.

In this case, she says that she called her brother, and Millie called her mother for help.

Both sent money that they used to pay back the loan. They did not report this issue to anyone else.

Before the incident with the loan, they had gone to the LC1 to see if he could talk to their husband about the need to pay school fees and provide other maintenance for them and the children. But, the LC1 merely told them to go home and “*talk to your husband.*” According to Ruth, at that point, Millie told her that they should “*...leave it and we just work and take care of our children.*” Ruth's expectation from the LC1 was for him “*... to talk to my husband that he stops doing those things he does.*” She says the LC1 and her husband are friends so she could not be sure what he would tell the husband, but she “*felt badly*” that he did nothing to help her and Millie.

Ruth has heard of one of the legal aid agencies, but she does not know where it is or exactly what it does, except that they can help women. She does not know about the DVA, or other laws that protect women and she has never attended any community

meetings or heard of any forum where she could learn about women's rights. Still, it is common knowledge that a man can no longer just beat his wife. She talks about this as a difference for women living in modern, urban Kampala:

... men used to beat women a lot and badly. ...Now they fear a bit. You find when it's inside the house, but they hide it a lot...they don't want to take it outside the house but those of long ago used not to hide, they used to beat and kick as they want. ...you know there it's a village; houses are far from each other - one of the houses could be here and another like near [place far away], therefore one can't know what happens at [that place]. ...like you see us, here there is *muzigo* [congestion], houses all over and he fears that if I fight with this woman a lot she may go to government or police or chairman and report me.

I ask Ruth if she has thought about taking her children home to the village, given this is a response she had said is a possibility for women who need help. She says:

... you see the children are many, though if my mother was there and my father [both have died] you can say, 'mother stay with the children,' or 'I go and work and get married to another man' but you don't have anyone to leave them with. My brother [who lives at the home as the son] had his own children and they are also many with his wife, so I could not leave them with all these children.

I ask Ruth what she would "wish" for in the future. She says: "mostly what I want is my children to go to school is the wish like you have said is what I would want because I feel bad inside my heart when my children are here at home and not in school."

Ruth feels she has no options. She cannot go home; or take her children home. She cannot find another husband, because he will not support the four children she has by another man. She is constrained from reporting her husband for not providing support to the children because the one attempt she made to do so ended with no action by the local Chairman. Her respect for her husband, and her co-wife, as the functional head of the household, further disciplines additional action.

Gloria: “Of course, they will arrest him and who will provide for me?”

Gloria is a strong-minded young woman, determined to succeed in her relationship with her husband, with hopes of being the wife and mother she defines within the context of mostly customary social structures, norms, and practices, even as she learns about and starts to embrace women’s rights. She is also concerned about practical issues – particularly financial security.

Gloria did not know there was a specific law to address domestic violence until she met me, but she did know that violence could be reported to the LC1 or police. I asked if she ever thought of taking her problems to the LC1. She says:

I have never thought of it – but they were telling me to go straight to police – especially that time when your friend Carol saw us fighting. And, after fighting – this baby was 4 months old – he locked me outside with the baby and he went away with the key. The landlady came –she told me, ‘just slope down and tell the police - this man will be arrested right now. Why don’t you go – what are you waiting for?’ I was like, there is going there, but tomorrow I will be the one suffering. If I had gone that time he was going to be arrested and then it is me to suffer. [I ask: *In what way?*] Of course, they will arrest him, and who will provide for me?

I ask if she has ever sought any kind of help.

Yeah – once I used to report that case to his relatives because I know they are the only ones to help me, not my people – I know he might not listen to my people but listen to his people. When it is serious – I tell it to his people. They sit him down and talk on him.

Although Gloria told her husband that if he beats her again she will call the police she continues to employ non-legal efforts to address her husband’s abuse of her. Gloria identifies all types of violence that I ask about, except early marriage, as “expected” in marriage. She tells me that her husband has slapped and beat her; locked her out of the house; brought other women to live in the house who he is sleeping with; he does not

provide support for her and their child; and now he has set up a house for another woman to live in, and he does not always return home to Gloria.

During one of my visits, Gloria told me that her parents [her mother and brother] were coming for her “*very soon*” because they don’t like her situation – living with a man who has not given them anything. She said, “*They need as parents something to show that I am married to him....They say they will take me out of here – if at all he wants me he will go for me. I cannot stay with a man who they don’t know – that is what they say.*”

Yet, weeks, then months went by, and her parents did not come. I asked Gloria if her mother knew what she has been going through. Gloria says: “*I did not tell them but those times [when I] used to have a hard time with him – people were telling them how I was, and what I was passing through.*” She also told me she could not return home with her husband because:

Now, my husband is beating me – my mother to hear my husband is beating me – abusing me – when my mother is also hearing and my people are hearing – isn’t that a shameful thing? Of course I can’t stay. Let my mother hear that they have beaten me from afar when she is not seeing. I can’t let my man beat me in the eyes of my mother - no – that is out.

Months later Gloria remains intent on strategies that both show her husband respect and bring respect to herself. She tells me: “*...after fighting I still give him food. Sometime he refuses the food. I keep giving. Up to now. I have never failed to give him food. Even if he beats me with blood. I have never failed.*”

One day Gloria was talking to me about her options. I asked if going back to live in Kyegwelede, where one of her brothers stays, might be an option for her. Gloria says it is too embarrassing because people there know her husband has abused her and that he continues to belittle her by having other women. They tell her he might be HIV positive

because he sleeps with many women. In the end, she said she would rather build her business at the home she keeps with her husband, where she might gain his respect again.

Saleema: My father said ‘come home – the man has abandoned you’

Saleema believes in gender equality. She told me, *“these days...if the husband is doing his own thing, the wife should also do her own thing. Rights are there these days...Development is taking place. There are modern changes. Everything has changed.”* She adds the contradiction that: *“If men see that you are over-depending on them they will jump away from you – and go marry another wife because you are depending on him. At the same time – when you have something, you hear the man also saying he wants to overthrow my power.”* She says that she does not want anyone stopping her from doing what she wants. This is different from her mother’s time. She says: *“Yes, he is the head, but I make the decision for myself.”* The difference between her and her mother is that for her mother, *“The husband is the owner of everything.”*

Saleema explains more:

In those days when they fought each other, my mother cannot run away; instead she calls the husband’s relatives and they sit and talk...the thing stops there [whether anything changes or not]. ...life just goes on ...because [she] doesn’t want to leave us [her kids]. One time they fought her; she ran home and left the children behind – we were suffering. Mother left for 2 months – until she felt like coming back. After that, even though they fight, she just remains so that she doesn’t leave the children.

As related earlier in this chapter, Saleema’s husband only began becoming abusive towards her in the last three years. Saleema believes he was being pressured by his family to interfere with her income generation, even though the money was being used to benefit the family, and that this is the cause of all their problems. She said she never thought of going to the LC1 because it was the first wrong thing her husband has

done in her life so she was thinking that the issue is just a minor one. Also, there is the issue that he is the father of her children. She said, “...*if I expose this issue to the government how will it be, so I decided not to go ahead.*” She also didn’t think it would be an ongoing issue. She decided, “...*just to call the family members instead.*” She called her father and he said, “...*there is no transport money from here up to there – better you have in-laws –call them and let them settle this issue from there.*” The in-laws came and they supported her, saying what she is doing is for the good of the home. “*But now the man became hot, and said I am a woman...he is a man. Even the sewing machine he also picked and sold it – and even stopped her from doing work. Those brothers-in-law said let me go and start sewing and told me that if he starts beating me, I should call them.*” But, Saleema says, when she is not there his relatives talk against her.

When I asked Saleema whether the police could be helpful and if women ever report domestic violence to the police, she said “*some do*” but probably the man will just pay money to the police and they will release him. She said it was probably “*not useful.*”

Concluding Discussion

For women discussed in this chapter, decisions about how to address domestic violence are determined by both social norms and by the practicalities of women’s lives – particularly those related to economic security. While many women I interviewed did not know about the DVA specifically, they were aware of the roles of the LC1 and police in addressing domestic violence. Yet, they were concerned about humiliating themselves and their husbands; bringing disrespect to their husbands; and for their immediate economic needs.

A dominant theme is how the performance of gendered roles that support inherently unequal patriarchal structures are embraced as natural, and often sacred, determined by God, even as women challenge these shifting roles in varying ways. For some women, like Gladys, Agnes, Sophie, Cecilia, and others, this means accepting some abuse in marriage as either just inevitable, or justified as discipline. As women living in an urban setting there is less adherence to the more rigidly defined roles and responsibility they might practice when visiting the village, yet the patriarchal foundation of those practices remains firm.

The role of both the practice, and the expectation, of men having multiple concurrent “wives” stands out as a significant driver of gender inequality. Women anticipate that men will be supporting additional wives and children and consider it counter-productive to willingly contribute their own income for expenses traditionally the responsibility of men as long as he continues to provide. Few women know their husband’s income and women are also reluctant to share information about theirs – and this cuts across socio-economic groups. Women talk about a willingness to “*help*” the man support the family, however, the fear, and for some reality, that her contributions will fuel his ability to support another woman/wife and children, promotes two-way distrust.

Another important theme is the role of both the woman’s and her husband’s family in addressing marriage difficulties. Yet, women, as daughters, not sons, have complicated relationships with their own families, dictated in part by whether or not bride price has been paid, whether parents are living, and a family’s ability and willingness to take care of her children. Families affected by conflict or that have migrated away from

their ancestral land may not have the ability to help a daughter and her children. Going “home” for many women would mean leaving her children with relatives of her husband, or her husband and another wife, an option few women want to entertain, though many do. And for some women, like Ruth, whose parents are not living, and whose husband is not willing to take responsibility for the children, there may be no suitable relative to leave children with. Agnes says:

When you don’t have parents and a home to go back to, where do you go back to? All you can do is be with your children and bear the humiliation and hardships of marriage - you can’t do it on your own.

Finally, what is clear is that norms are changing and that women have perspectives that cut across the spectrum from very traditional to more progressive.

Hunnicuttt points out that, "Patriarchal ideologies can "discount" some of the structural gains of women" (Hunnicuttt 2009:563). This is clearly seen in Uganda. Many say that who is “head” of the household is cosmetic – and that the goal is to ensure that women and men share decision-making. Activists say that this is an area that most are just not ready to discuss.

Chapter 6: Practicing Legal Rights

Now, this situation, I wanted to know whether my kids are alive or not; but they [legal aid provider] said the whole month [December] they are closed - they come back in January. I had nowhere to sleep; I had nothing to eat. I said now – this is too late for me.

- Sarah

...he [husband] came to remove the iron sheets [roofing] of the [pig] sty - I wasn't around. He even told me, 'even that house I am going to remove the iron sheets.' Now I came to court. We first went to police - now the Officer in Charge [O/C] sat down and told him, 'what is wrong with you? You left the woman - leave her to stay with her children. She never asks you for school fees or food - why don't you leave her.' He said, 'that is not my wife - I have never loved her - it was a mistake,' that I have never been his level [she lacks education]. So that hurt the O/C and he said, 'let me send you to court so that they read for you the Law.' So the O/C sent us - still he wrote it like that - he said this man I have sat down with him several times, I have counseled him, but he has failed to understand what I say so let the court decide what to do. So that is why we are here [at court].

- Jane

That man loves this house so much – he loves it more than he loves his kids, because he is not taking care of the kids but he is chasing for his property, his house, because on that other side he is just drinking. So how will he feel when he wakes up in the morning and they are like there is a law [Protection Order] preventing you from reaching your home - when it is not his own decision of 'I won't go there' but a law putting restrictions, from coming to his own home?

- Hamida

Introduction

One of three guiding questions during my research was how does policy and practice relating to women's rights and the DVA affect how women perceive VAW in relation to their own gendered identity and subjectivity, and, the choices they make when affected by VAW? In this chapter, I share the narratives of women who decide to seek help for domestic abuse through formal institutions, including the LC, police, courts, and legal aid, and, what happens when they do so. The context of structural patriarchy was

detailed in the last chapter as a prelude to this chapter and continues to provide the overall setting within which women exercise agency and legal rights.

Research data is based on accompanying persons seeking help; talking to women and police in police stations; discussions with practitioners; in-depth interviews with 20 women, including 13 who I asked detailed questions about what they would “report” and to whom; and three ongoing cases using the court system.

Women’s responsibilities to children, in particular, but also to husbands, parents, and other family members are key to understanding women’s willingness to step out of normative expectations, as seen in stories related already. These responsibilities begin with basic needs for survival – both economic and physical – but also include the work of maintaining one’s own and one’s husband’s social status in the family and in the community where they live. The importance of this across Ugandan cultures was detailed in the last chapter. Children as a factor in women’s decision-making about seeking help for domestic violence is increasingly being documented around the world, including in a study in South Africa (Rasool 2015).

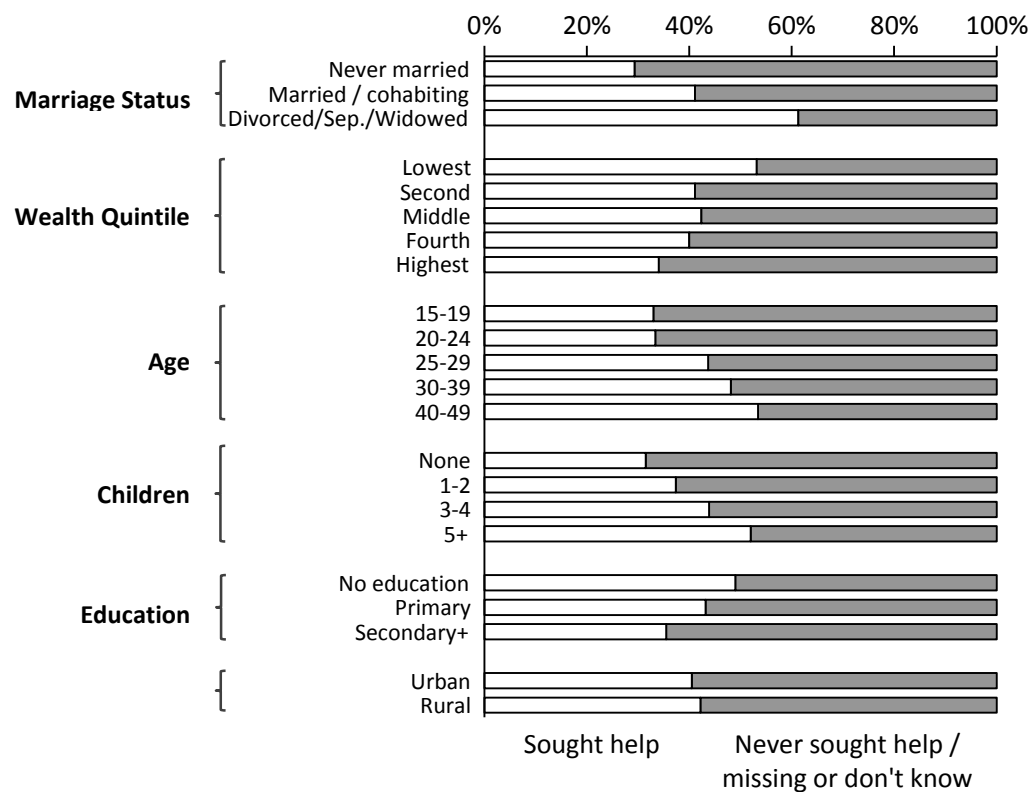
What emerges from this data is key to understanding the political economy of VAW policy and practice in Uganda and promotes theory about why women do and do not utilize legal remedies for domestic violence, as well as recommendations about what can support success. Most studies relating to help-seeking patterns for women who experience domestic violence are based on populations living in North America (Calton, et al. 2015; Liang, et al. 2005; Novisky and Peralta 2015; Sylaska and Edwards 2014), and the United Kingdom (Evans and Feder 2014). However, in the past several years, a number of new studies have been conducted in other parts of the world, including rural

Kenya (Odero, et al. 2014) and South Africa (Rasool 2015). Aspects of the research on SASA!’s effectiveness in Uganda has related to informal sources of support to women (Kyegombe, et al. 2014). Studies focused on women in countries outside of Africa that share characteristics of patriarchal societies, many much more restrictive than Uganda on women’s rights, include Pakistan (Andersson, et al. 2010), India (Decker, et al. 2013), Nepal (Sabri, et al. 2015), Bangladesh (Sayem, et al. 2015), and Korea (Kim and Lee 2011). Overall, research suggests that an in-depth understanding of the context within which women make decisions can improve the effectiveness of policy and practice. Many factors that affect women’s help-seeking practices are shared across contexts, such as women’s concern for their children’s welfare, and the public humiliation of disclosing abuse, while others are more context-driven, such as particular traditions around polygyny and bride price. This chapter contributes to this evidence base.

The 2011 UDHS survey provides some perspective on national statistics related to “help-seeking” in Uganda, although the criteria was help-seeking for physical or sexual violence perpetrated by “anyone,” rather than specifically an intimate partner. With that caveat, the overall representation of women who report abuse is still interesting. As depicted in Figure 23 below, according to the 2011 survey (Uganda Bureau of Statistics and ICF International Inc. 2012:270-272), the highest percentage of women seeking help (61%) were divorced, separated, or widowed – supporting my theory, discussed later, that women who do not intend to continue in a relationship have significantly reduced barriers to pursuing help. In addition, the more children a woman has, the more likely she is to seek help. Finally, the findings indicate that unemployed women, women employed “not

for cash,”⁷¹ and, women with the most wealth are less likely to seek help than others. My research did not address issues relating to income, as all of my sample were low-income; however, studies based in other parts of the world have found this same phenomenon. An explanation suggested by one study is that women who are unemployed are economically dependent on their male partner; while women who are at high ends of the income scale have “more to lose” in disclosure (Kaukinen, et al. 2013).

Figure 23: Women who seek help for physical/sexual violence (UBOS/ICF 2012:270-271)



Below I discuss women’s perspectives, along with some contextual data, in four sections – What Women Say they know about Legal Rights; Deciding to Report; The Process; and Justice. In the last three sections, I detail the paths of three women who accessed formal mechanisms of support during the time I was engaged with them, Sarah,

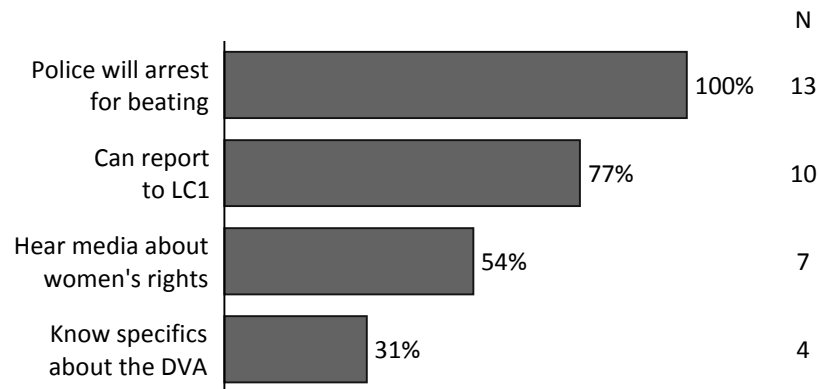
⁷¹ “Women employed not for cash” is not defined in the UDHS, however, I assume this means women who work in the informal sector.

Hamida, and Jane. Their life experiences are very different, and they are at different life stages. Each story is archetypal in some respects, as seen in the overlap between themes, discussed below.

What Women Say they Know about Legal Rights

During my conversations with women I asked whether they knew about the DVA and what messaging they had been exposed to relating to women's rights as one aspect of understanding how this knowledge might influence decisions to report abuse or not. As discussed, when I began my research, I anticipated that community members would have a fairly high awareness of the DVA given its location and proximity to other communities that had been targeted by NGOs, specifically Raising Voices and CEDOVIP. Figure 24 below summarized some of what I learned.

Figure 24: Women's knowledge about rights (N=13)



As indicated in Figure 24, of the 13 women I asked, all knew that a man could be arrested for beating his wife, although few knew anything specific about the DVA. In urban Kampala, based on my discussions with women, this is seen as a change that is part of a broader shift towards women's rights. It is linked to the widely known constitutional changes in 1995, President Museveni's public statements in support of women's rights, and, globalized modernization trends, as well as work done by NGOs and government to

specifically promote the DVA. One woman told me that, “*today men fear to beat women too much.*” Women also told me that President Museveni had brought women’s rights.

Cecilia, who does not have electricity and does not listen to radio or television, told me: “*I know that you can report to the police....when a man beats you, you can always run away to the police.*” Mary listens to both radio and TV; and, she talks to friends and others. She said:

There is that law of beating women. Because I heard of it that women should not be beaten. ...they said if you slap a woman you either go to police they arrest you [the man] or you pay a fine of seventy thousand [UGX/\$26]. I heard of it but I do not know.... If they take you to police you pay seventy thousand to the police so they give you, the woman, I think 40,000 [UGX/\$15], and they [the police] take 30,000.

In practice, what Mary knew about the fine of 70,000 was in fact local practice by some police. The DVA provides for restitution to the woman, but some police take a share – saying it is for “appreciation” or “facilitation.”⁷²

Most women (10 of 13) cited the LC1 as a place women “*can*” or “*do*” report, although two of the 10 also said that while “*women do*” they themselves would not report to the LC1. As discussed below, 40% of my small sample was willing to share with me that they had consulted the Chairman about their husband’s behavior.

About half of the 13 women (7) say radio and other media sources provide information about women’s rights. A few women I spoke with said they don’t listen to radio because they don’t speak either English or Luganda, the languages heard on Kampala media. This hints at the ethnic and educational privilege that might prejudice

⁷² Appreciation is like a tip. Facilitation is a term widely used to mean the money needed to cover costs of doing the job, i.e. transport. It is typical to have to pay a police person for his/her transport; for copy costs; and so on.

some women's access to services and justice systems, although duty bearers and service providers are also ethnically diverse.

Halima listens to radio in Luganda and had it on during our interview as background noise. Barbra, who was interpreting, heard a public service announcement about child abuse by Raising Voices and asked Halima what she knew about Raising Voices. She said she did not know the organization. When Barbra pointed out the announcement that just played, Halima laughed and said she does not “*hear*” the English name, but she listens to the stories and messages. She named one presenter [host] on Radio Simba who she said often talks about domestic violence. She had heard, for example, that if a man forces a woman to have sex, or does not support the family, she can go to police or the legal aid agency; and, this is how she knows there is a law about domestic violence.

Interestingly, despite all of the community mobilization work targeting Kyegwelede, only a third (32%) of the 19 women I interviewed in the community had been engaged in any kind of meeting or public forum about women's rights. I counted Irene as one of these six, and her CBO moves around Kyegwelede talking to women about legal rights. Rita, discussed earlier, was engaged with women's issues because of her obstetric fistula. I met Patricia during a community outreach of Irene's CBO. Sophie told me about a meeting she went to in the 1980s, presumably shortly after the first global UN meeting on women's rights. Sophie had some idea that domestic abuse was illegal but not a clear idea that there was a law regulating it. The other two women could tell me little about the content of the meetings they attended – one was in a mosque about “*women's issues*” and another was at the LC's compound.

Nonetheless, certain messages had found their way into the public arena. One of these is the idea of “*making an alarm*” so that neighbors will call police if a man is beating his wife. Another woman, who was not part of my interview sample, told me that she had chastised a man who did not respond to a neighbor, saying: “*Domestic violence will not end if neighbors don’t intervene.*” Evelyn, who I interviewed, told me that her husband had just recently called the police for a neighbor who sounded an alarm.

Deciding to Report Domestic Violence

I want him to leave me alone. I don’t want to take him to prison - let him be in his life because he went long time ago. He should stop violating me - he has violated me enough. I don’t have any love with a man - even if I was still young I don’t want... I have suffered enough - let him be there with his women.

- Jane, 56 years old, Mutoro

Sometimes you can’t report him the first time he does it, you let it go, and when he beats you again, then you report. You find that when you report again, he might beat you again and you report, then the next time when he beats you badly, you report to the police and he still does the same thing, so the only option you have is to leave him. You find that what he will learn from the police [not to take it seriously]; he will not take it up and he will still do the same thing. Then what can you do? You just leave him.

- Grace, 30 years old, Alur

Encouraging women to identify and report domestic violence is an important first step in both preventing and responding to it. The emphasis on criminal justice as a response to domestic violence in the US has been cited as one of many factors that discourages women in the US from reporting DV to formal response structures, while most women do tell someone in their informal networks (Novisky and Peralta 2015). Most data relating to help-seeking is based on research in North America, however the increasing global evidence about women’s help seeking practices suggests that around the world women primarily disclose abuse to informal sources of support, rather than

formal ones (García-Moreno, et al. 2005; Kaukinen, et al. 2013). As discussed in Chapter 4, the DVA in Uganda is unique in that it includes both criminal and civil remedies, as well as non-legal options for resolving cases that are reported. The law was designed to take advantage of customary practices that promote taking complaints about marital issues to family members and community leaders. All women in my sample who reported to the LC1, police or legal aid had consulted family members first. In addition, the LC1, as a community-based structure, functions as a bridge between informal (family, friends, religious and cultural leaders) and formal (police, legal aid, courts) structures.

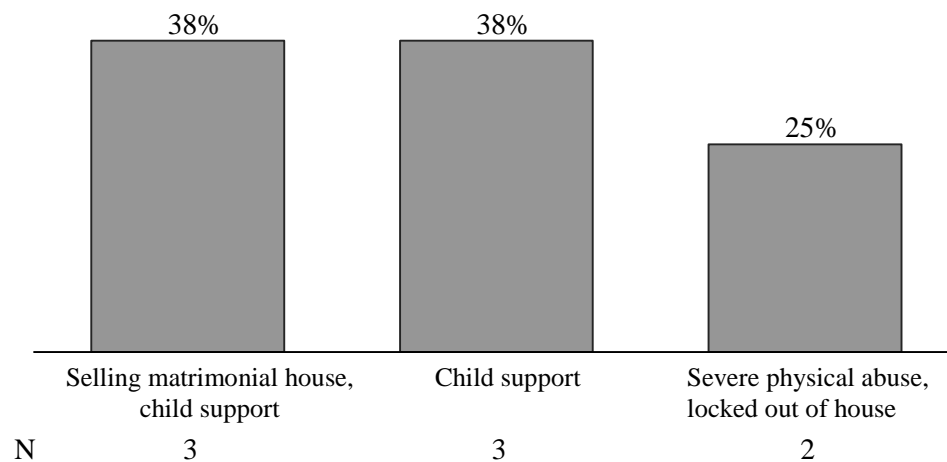
Of the 20 women I conducted in-depth interviews with, eight told me they had sought help from the LC1. As depicted in Figure 25 below, half of these women went on to report to police, some additionally reported to legal aid, and one woman did not report to police but sought help from legal aid.

Figure 25: Women who reported abuse (N=20)

| Sample ID | Reported to LC1 | Reported to police | Sought help from legal aid |
|------------------|------------------------|---------------------------|-----------------------------------|
| 1 | Yes | No | No |
| 2 | No | No | No |
| 3 | Yes | No | No |
| 4 | No | No | No |
| 5 | Yes | No | No |
| 6 | No | No | No |
| 7 | No | No | No |
| 8 | No | No | No |
| 9 | No | No | No |
| 10 | No | No | No |
| 11 | No | No | No |
| 12 | No | No | No |
| 13 | Yes | Yes | No |
| 14 | No | No | No |
| 15 | No | No | No |
| 16 | Yes | No | Yes |
| 17 | No | No | No |
| 18 | Yes | Yes | Yes |
| 19 | Yes | Yes | Yes |
| 20 | Yes | Yes | Yes |

There were three reasons the eight women reported to the LC1. Reflected in Figure 26, below, these were the need for child support; severe physical abuse; or the husband was trying to sell the matrimonial home. Most (75%) included issues relating to child maintenance (child support), which is a man's responsibility. In addition, half of those bringing issues of child support had the even more serious issue of a husband who had abandoned her, and wanted to sell the matrimonial home –the home they had created together. These cases are common and very serious for women because it can mean they are homeless, particularly in urban Kampala.

Figure 26: Reasons women reported to the LC1



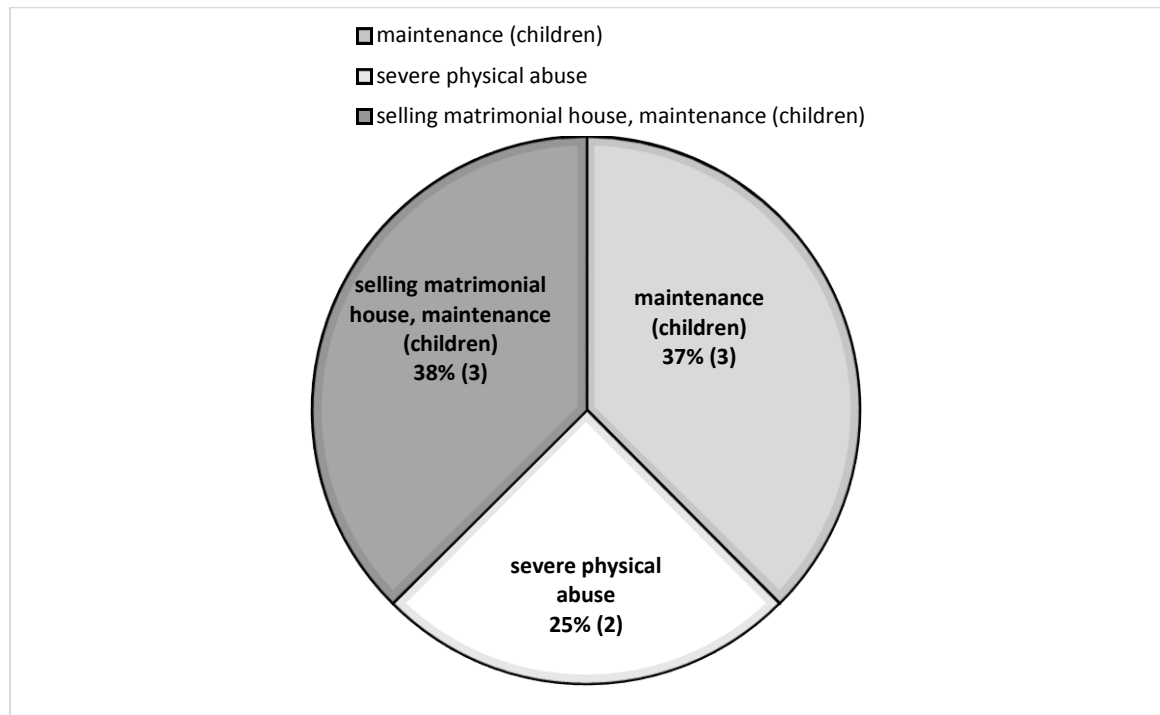
Reporting abuse to the LC requires a woman to be willing to expose her situation. As expressed in narratives in Chapter 5, some women fear that if their husband is a friend of the LC, he will side with her husband, and reporting is very public. In Kyegwelede, people sat on benches both within and just outside the open doors of the LC1's office waiting for a turn to bring his or her issue to the Chairman. On days when I was sitting there, waiting to say hello to the Chairman, or just chatting with Irene who spent most days there, the Chairman would occasionally interrupt his conversation to laughingly tell

me what was transpiring; or to jibe the person complaining by saying things like – “people in America would not ...[do this or that].” I typically did not know the people the Chairman was talking with - often they were men with business squabbles.⁷³ Typically, this particular LC1 would refer cases of domestic violence to the paralegal committee of Irene’s CBO, which included one member of the LC, who would then meet with her privately in a space the Chairman had next to his house. Nonetheless, to get to that point a woman who did not know how to approach him, or know one of the CBO members personally, would have to first relate her issue more publicly. I was never present when a DV case was brought to the LC, and the CBO was more careful than most with issues of confidentiality.

Women who either called police directly, or were referred to police by the LC1, were reporting issues related to domestic violence that had been ongoing for a period of years. For Jane, Patricia, and Sarah these related to issues of survival. Hamida reported to police over a beating that itself was not severe, but it was related to larger issues of survival and abuse by her husband. Patricia’s case was discussed in Chapter 5. The other cases will be discussed below.

⁷³ I wondered what they thought of me, but it was likely they knew I was in the community and I imagine a number of rumors were circulating. On the other hand, there were NGOs active in the area, and occasionally these included staff from abroad, so possibly they assumed I was associated with one of these.

Figure 27: Reasons women reported to police



Issues of Privilege

While I was not able to adequately explore how privilege influences decision-making, I made some observations. Privilege within the context of Kyegwelede includes those with more socio-economic status; more education; the ability to speak English, or a local language that is understood; and, the ability to access needed people through family and social networks.

In the following case, a privileged relationship with the LC1 allowed a woman to present her issues far more confidentially than another woman, whose decision to reach out for help might also mean disclosing her issues in a public venue. Sophie told me she went to the LC1 for help in getting her husband to pay school fees. I asked how she

decided to go to him and whether she was afraid of repercussions from her husband.⁷⁴

She says:

When I looked around, I saw that he [the LC1] is a grown up man and according to how I know him, he is a good man and therefore he was not going to gossip about me but instead keep it confidential.

I didn't go to the office... and even if I was to go there I was going to wait for him. Even if I would fail that day, I would go there another day, and I get him, however we are used to him [family friends] I know the time he is at home but that day God made it for me and he was free.

And when I went there ... in fact I told the Chairman that I am not reporting him for you to call him in a meeting for the LC, but I have come here as an individual for help, like how you would help anyone else, without calling him that it is a case but for you, [rather] to help me as a family friend.

Sophie related that she met with the Chairman in his garage, where private meetings can take place and that after she related her story the Chairman called her husband to come.

Sophie waited until he arrived, and says that initially he “*was scared*” but that the Chairman handled the situation well, acting as a friend, and counseled the man to resume paying school fees.

Sophie's story contrasts with that of other women I spoke with, such as Harriet, who told me:

Most Chairmen are known to our husband and they are community members. Therefore, if he beats you and you go to the Chairman, the issues will derail. It's better to go straight to the police than seeking help from the Chairmen. It becomes tricky especially if the family is known to the Chairman.

Issues relating to a person's social network are important in settings such as Kyegwelede.

Having connections to the right people may be more valuable than access to income, and

⁷⁴ Sophie's husband is well-off by local standards and he and Sophie live in a larger home, although it is not gated, and they are long-term residents of the area. I did not inquire about how she knows the LC1 and the nature of their relationship.

one of the points I will make later is the role of personal support and advocacy for women who want to access justice relating to their rights.

Case Studies – Part I – Deciding to Report

What follows is the first part of Jane's, Hamida's, and Sarah's stories. This section provides the background that led to each woman deciding to report the abuse outside her informal network. Similar, and archetypal, themes in Jane and Hamida's stories include early marriages that produced children they could not bring into a second marriage; second marriages that started out okay but later became abusive; husbands who are polygynous, leading to financial stress; and support within their social network that promotes reporting. Other similar archetypal themes are present in Sarah's and Jane's stories. Both endured many years of abuse that they accepted as a natural part of a woman's life before their circumstances escalated to fear of physical survival for Sarah and economic survival for Jane. Both women had given up on their relationships with their husbands and neither were interested in reconciliation. All of the three women had first reported abuse long before I met them.

Jane's story

Jane's story is complex, and was challenging to untangle, because of the long period over which abuse occurred, varying perspectives of Jane and her children, the conformity of some of the long-term abuse with customary practices, progressive disclosure of certain details, language barriers, and my own learning curve through this case of how the legal system works in Uganda.

I met Jane through Lauren, a lawyer at the legal aid provider in Kampala, who was assisting her. I had asked Lauren if she knew of any case that was utilizing the DVA

in court. She told me about Jane, who lives about 60 kilometers outside of Kampala (anywhere from a one to three hour drive depending on traffic) and invited me to accompany her in a few weeks, when her case was scheduled to be heard by the magistrate.⁷⁵ Lauren was representing Jane in two separate court cases. Both stemmed from domestic violence, however, one was being handled as a civil divorce case in a High Magistrate's Court with the goal of legally separating matrimonial property, and the other as a family court case in the lower Magistrate Court using the DVA. The DVA case had resulted because her husband, who had left her years before for other women, wanted to remove her from the matrimonial home and property, where she lived and farmed, so that he could sell it. She refused, and the five children they had together sided with her. He had come to the house repetitively to verbally and physically assault her. He had removed her property and locked her out of all but one small room of the house; he stopped supporting the youngest child still under age 18; accused her of witchcraft; and was humiliating her in front of neighbors. This abuse had been ongoing for several years when I met her and she had reported the abuse

Jane speaks limited English, but her children, now adults except one, speak fluent English and they are her strong advocates. Samuel is her first-born son with Victor and he spearheads the family's efforts to support his mother. Samuel has a diploma in animal production and management, and when we met, he was working as head of a district farmer's organization that received US government funding in the west – a project that has since ended. He became a new father just days before we met at the district magistrate's court, and he was on leave. When I told him my two sisters were veterinarians, and would be in Uganda a few weeks later, he insisted we should all come

⁷⁵ I insisted the lawyer call Jane to ask if it would be okay for me to come.

visit. Over the next year, I visited Jane, and Samuel and his wife, and other members of the family at their homes many times, including once with my visiting family from the US, and several times with my husband. During these visits, I also encountered Jane's husband several times. Most recently, my husband and I provided a loan to Samuel to purchase a motorbike to support his new community veterinarian practice. I continue to keep up with the progress of Jane's court case through Samuel on "what's app" and occasional email. As I was finalizing my dissertation, I received an urgent message from Samuel that a motorcycle had hit his mother, crushing the bones in her ankle. They needed money for a surgery to prevent her from being crippled. Jane relies on her fit body to manage her animals and to farm – still supporting the family, while trying to continue the case against her husband. The sadness that would often overwhelm me at the end of a day of listening to women's stories engulfed me with this news.

Jane told me different parts of her life story in various visits, with interpretation primarily by Samuel, who often inserted his own perspective, as well as others such as the lawyer, and Irene who accompanied me a couple of times. My inability to interview Jane with a neutral interpreter is an acknowledged limitation of interactions with her, although she told me it was not a problem to speak openly with her son present. Other children also added their perspectives at different times.

Early marriage

Jane is a Mutoro from western Uganda, born in 1958 (56 when we met in 2014). She has a strong belief in God and affiliates with a Pentecostal church. She said she was "*tricked into marriage*" at age 14 with a man from the east. His sisters, friends of Jane's, convinced her they were going to watch a movie, but instead they drove all the way to the

east of Uganda, on the border of Kenya. She said they were having fun – she had the company of the friends so she felt okay, although she knew her parents were probably worried. In fact, her mother told her later they announced her disappearance on the radio. Jane stayed with this man for four years. She gave birth in 1976 to a boy, and to a girl two years later. They were staying with his family, but mostly she was left at home alone with the children, and life was hard. Jane began finding guavas in the bush, selling them, and hiding the coins she got for them at the back of the house without the man knowing. She escaped with her children, telling me, “*even the man did not know.*”

Second marriage

Jane’s mother was living in a town an hour east of Kampala, so she went there with her children and stayed with her mother. She got a job in a hotel and three years later met Victor. They began their courtship and she conceived her first born with him. When the pregnancy became obvious, he asked her to stay with him. She stopped working in the restaurant and rented a place where she could plait hair. Her husband did not mind that she was working because he did not have a job then and the money she earned was helping him. After giving birth to the first son in 1985, Jane had a daughter in 1987, two more sons in 1989 and 1991, and a daughter in 1997. Her son from her first marriage returned to live with his father’s family when she married Victor, while the daughter remained with Jane for a few more years, later returning to her father. Both children come and go as adults, and Jane sometimes cares for her grandchildren, an issue Victor raised in one court document as a reason he should not provide support.

Infidelity & polygyny

Victor worked as a teacher and there were “*many transfers*” from one location to another, as he took various teaching positions that each lasted only one to two years. In each new location, Jane’s husband developed a relationship with another woman, and he would take the children from her to stay with him.

It has been his habit from way back I have been seeing him whenever he got a woman he would shift and go and you [I] stay suffering. That is what made me stay with my children and I said let me be patient. Even when we were in Nazigo there is a girl he loved who was a student. She even got pregnant and I think they aborted - so I suffered a lot. I would eat badly - my children were eating *mukene* [traditionally thought of as a poor person’s diet] - my children didn’t have what to eat but he could buy *matooke* [a staple for many Ugandans but expensive unless you grow the bananas] and take to this girl. I could drink plain tea without sugar. So that is what made me not to leave my children. They have to grow while I am here because he is not responsible as a man who has a family.

A customary marriage ceremony took place in 1995 at Janet’s father’s home in western Uganda. A handwritten letter from her father, which her lawyer secured to prove Jane is traditionally married, states: “*I gave her to him after he gave me my kanzu* [traditional dress for men], *chicken, and kanzu for brother-in-law Samwiri, and all the things that are necessary.*” The lawyer later realized the marriage was never registered as a traditional marriage. She told me that a magistrate can either ignore this, given the preponderance of evidence that there was a marriage, including pictures showing Jane and the children physically constructing the house, or rule that it is not a legal marriage, which would mean Jane has no rights over the property.

In the late 1990s, Victor began attending university for a BA degree in a town just outside of Kampala. Jane and the children eventually joined him but Jane then went to work on one of the islands off Lake Victoria to provide needed support to the family while he was studying, leaving the oldest son of her husband, in charge of the younger

children. Samuel went with her for a while and had strong memories of the pain he embodied on her behalf. He told me:

I went with my mom. That is why I always stand with her - I was alone with her – we went and we stayed... to make money. To collect fish, roast and then sell - to support our dad in school. Our dad could come like twice a month to collect money. I will never forget. ...I could collect those small fish, roast them... After 2 weeks my mom could travel to Jinja to sell fish and then come back. You know how dangerous it is. They use a big boat...it would be so risky – a lot of fish, people there – she used to suffer a lot. We would sleep in a small hut – no lock on the door... So our dad could come, he would arrive at night and travel back in the morning. ...I would ask for money from my mom and she would tell me, ‘all the money was taken by your dad. He is studying, doing a degree at the university.’ So, I would keep quiet. ... And, finally she is the one taking care of us – paying school fees instead of him who she helped so he could be somewhere.

When Victor finished the family was together for some time. In 1999, Jane and her husband bought the matrimonial property now under dispute. They initially built a mud hut, and later built the 4-room brick house with tin roofing that is there today. The house is substantial on Uganda standards, although I have only seen parts of it, and the property is expansive. When I first met Jane, she was living in a room in the back, with all the extended family there in the same room. There was a bed, mats for sleeping on the floor, pans stacked neatly in the corners. Her husband had locked the rest of the house.

The property is lush and beautiful, and she was growing greens, squash, and other vegetables, that she often shared with me to take home. Trees produce jackfruit, mangos, and papayas. Walking uphill from the house there are goats, and then the pigsty, that have been a significant income-generating project for the family. One large sty is intact, but a second, which Jane built on her own, is in disrepair. Solomon and his mother explain that Victor came and took away the tin roofing, an act of vandalism that was a factor in her realizing he was serious about pushing her off the property. They also explained in detail to me the costs of feed; how long it takes a piglet to grow up; and the relative costs of

selling it as it ages. The bigger the pig the more one gets, but if school fees are due, or there is no food, it is sold sooner than what is ideal. Samuel provides the veterinarian care needed.

Concern for children

Jane tells me about raising the two children produced by her husband with a woman who died when they were toddlers. She explained why she had stayed in the relationship:

I saw how my husband would treat those two children... they were not very important [to him]. If I didn't have the heart of loving children, they wouldn't grow up because they used to fall sick; I suffered with them while he wasn't minding. I realized if I left these children there, they would suffer.

My husband is the only son in his family. We suffered so, so, so much, me and my husband, to make sure we had a place to live. I used to do casual labor, digging for people; wholesale fish – sell it on retainer; worked in markets. I was looking for a future.

After making our move another woman has come – it is now the new woman who is making the orders of what should be done. This is what gave me the spirit – if I am to die, I will die from my home – as long as I have my children at home.

Not long after securing the matrimonial property, Victor went to study outside Uganda to earn a one-year Master's degree. During this time Jane says, "*The family really suffered.*"

She was supporting the family – doing the best she could. Samuel says:

He left us home and we were doing everything. I could come home from school and fetch water for people and they give us some money – life was not easy – we suffered a lot. He came back from ____ with the second wife... That is when things started changing.

While out of the country, studying Victor met a Ugandan woman working for an international agency. She was not able to have children of her own, was well educated, and had been making a good living. They returned together, Victor brought the children

to live with them, and she began paying the children's school fees to attend good boarding schools. Samuel and his mother tell me the following:

Samuel: The woman had money. She was controlling so that whatever she could say, you listen. By then even dad had left working.

Jane: No, he was still working and teaching but the woman had a lot of influence – a lot of money – so whatever she would tell him [he would do]. She would ask him during holidays to take the children to the other home [the father's and this other woman/stepmother].

Samuel: Whatever she could say, dad could accept. Because she was providing – she was even paying our boarding school fees. She would come and visit us. She is even the one who took us there. Even dad stopped mom from visiting us. At that school they had rules – only the mother or father – you had ID card you could show. So they stopped her [mother] from visiting us.

After school he would take us direct there [his home] – not even seeing our mom. Direct from boarding school. I stayed around 4 years without seeing my mom. ...Only that our mom would come and visit us [secretly]. ... Imagine that kind of torture....

The youngest child, Sarah, 17 when I met her, told me: *"When I was six years he took me ...I would cry – he would bring me for two days and then take me away."* I asked Jane

how she felt not being able to be with her children. She said:

It used to make me feel so bad because as a parent time reached when I wanted to see my children but because I didn't have money and I didn't have support ...yet the lady had money. I could not say a word....because I wanted my children to study.

Both Jane and Samuel talked about the complexity emotions around the situation with the second wife. Samuel said:

It also came as a blessing for us. Because we had never gone to good schools. It was my first time to go to boarding section. Even my performance improved. By the time we stayed with this lady, she never showed us any bad intentions. She looked a modern lady. She had traveled most of these countries. She never had children....She loved us. The problem was our daddy. ... Because [he] wanted to do away with mom and remain with the other lady. [He] started showing those kind of habits. Our step-mom was very supportive and she showed us the care. So [he] didn't see any use to our mom. That is the time when at home we could see

that kind of violence. [His father would say to his mother] ‘You didn’t go to school. You didn’t even study. You are nothing. You are doing a lot of nothing.’ Even he could speak openly to us. That ‘I want to do away with your mom. I want even to sell that land. She didn’t go to school. She is useless. She is not helping me. She is not helping you.’ Such kinds of things. By then we had grown up. .. we could see the struggles our mom used to go through. So for me, I don’t see any problem with that other lady not until dad came up with some ideas. Because she was supporting us.

Jane told her son, as a way of explaining to me:

Ok me, I wasn’t [upset] because the man had decided to have another lady. ... the lady wasn’t bad - it’s your father who brought problems - he is the one who brought that bridge with that lady. Now when your father got women he didn’t only love that one, he used to get other women and now he never wanted us to be in good terms with that lady.

Further explaining to me, Samuel said:

Of course, mom knew dad had some other women on the side [in addition to the step-mother]. So daddy never wanted her to get in touch with that lady to know that he had some other women. So he had to fight her to make her a bad person in front of that woman.

Samuel said that his stepmother supported him and his siblings fully for about 5 years, and then continuing paying some of the fees for another two years. During this time, his father also worked with his mother to set up a piggery project on their property. In 2003, they were given three pigs by “*some Samaritans*” to start a piggery project on the property that Janet remained on. They continued to grow this project.

Privileged social network

I learned late in our relationship that since 2006 Jane has served as the Vice-Chairperson of the Local Council. This status puts her in an advantageous position as she looked for support from the Chairperson, the Resident District Coordinator (RDC),⁷⁶ and local police, although I am unclear to what extent. Internal politics are always present in Uganda, and the family told me that the woman just across the road, who is the women’s

⁷⁶ RDCs are appointed by the President and work to coordinate district offices.

representative on the LC, was collaborating with Victor because she wanted to buy the property. As time went on, we were aware that someone was notifying Victor when I arrived and departed and Jane insisted it was the neighbor. In addition, in another discussion with Jane, she told me the officer-in-charge at the police is a friend of her husband, even though he is the one who initially referred her to court.

Abuse starts to worsen

In 2007, Jane consented to sign a mortgage note for their matrimonial home so Victor could get a 10 million UGX [\$3,700] loan to develop and improve the piggery. She said although the loan was only “*partly used for this purpose*” it was fully paid back. In the same year, Victor had a church wedding with the woman who had been supporting the children, which complicates the case in court for Jane, because Christian marriages cannot be polygynous in Uganda. But during this time both marriages started to unravel. Samuel said that there was a lot of quarrelling between his father and his stepmother, and his father continued to verbally abuse his mother. And, he began another relationship with a third wife. I ask how many wives and children does he have? Jane explains, counting as she tells the young lawyer and me who was with us:

The last one...she is younger, [she is] with a baby now ...she is [also] Muslim. There is a total of four with her... of four wives. [I ask, what about children?] There were 2 from the first woman who died. I have five. A Muslim one has four children. The younger [Muslim] one has one child. One has none. He has 12 children total.

In 2010, Victor started talking to the children about selling the property Jane was living on. The children refused, tension escalated, and he (and their stepmother) stopped paying school fees. According to Samuel:

We came back to mom after...actually me myself...because daddy approached me and told me, ‘I want to sell that piece of land, and you have to support me.’ When dad told me that I came and talked to mom. ‘Dad told me he wants to sell

this piece of land.’ When I talked to mom, mom told me, ‘if your dad sells this land you are going to [not be an heir] - this is the land which we fought for and you have to stay here and this one has to become your traditional land. In case you have children, in case you produce, they will come back and see me as their grandmother.’ I went and told dad ‘I don’t think that it is a good idea to sell that piece of land.’ He insisted. He said ‘If you are my son you have to support me. If not you will cease to be my son.’ Actually, he became so furious; even he wanted to chase me away from that home. He would come at night when he is drunk, and tell me – ‘you are grown up - move away from my home.’ Since then he stopped even supporting me in my school. By then I was doing my diploma – animal production...

Even [the 2nd born] was studying – she was in Senior 5 – he also stopped paying for her. She also came home. Even [3rd born]. We all came back. He chased us away. Even our mom [step] stopped supporting us because we were not in support of our dad. So we came back here.

Fear of economic survival leads to reporting

Victor asked Jane to sign a second mortgage on the property and she refused. In late 2010, she received a notice that the land was being seized for payment of a loan. This is when she learned that her husband had moved forward to secure a second loan without her consent. This loan, according to Jane and the children, was to pay debts he had accrued – as he had too many households and children to support, and he was drinking, and not working. His intention was to allow the bank to take over the property.

This is when Jane and her children determined they had to seek outside assistance, which included the LC1, the RDC, police, and courts (detailed below). According to one of the children: *“Actually, the first time she went to police was the time when daddy attempted to sell the house.”*

Hamida’s Story

During one of my first days living in Kyegwelede, the female counselor took me to meet Hamida, a woman she had been a friend and mentor to over the past few years.

She told me she related to Hamida's life when she herself was young. It was some months later, however, when I became involved in Hamida's life.

Hamida is 30 years old, a Muganda, and from Kyegwelede. Unlike many women I met in urban Kampala her mother lives nearby, within the community, while her father stays a bit further with another wife but still is within easy reach. Hamida grew up with her stepmother and father until "*later*" when she says her mother brought her back to stay with her. She told me that she stopped going to school while still in primary 2 because her stepmother had continually interfered with her school attendance and then her parents forced her to stop school altogether. As a consequence, she speaks very little English. Her family is Muslim and her father is a sheik. Hamida's mother is one of the HIV positive women who worked with Irene to found the CBO I work with in Kyegwelede. While lacking formal education, Hamida has the benefit of two parents who have played significant community leadership roles.

Early marriage

Hamida has three children, ages 13, 10, and 7, from a previous relationship. She was 17 when she had her first child. These children were staying with her mother until some time ago when her mother was very ill. They are now with another relative and sometimes they visit Hamida, but this is a sore point with her current husband, who complained to the LC1 that she was bringing them to "*his*" house and wasting the 90,000 he was giving her on children who are not his.

Second marriage

With Irene interpreting for me, I asked Hamida to tell us the story of how she met her husband. She said she used to work at a small hotel in front of some rental houses her

mother had. Customers used to come, and this man would come to eat, but “*with an intention.*” So one time he told her, ‘*I need to marry you*’ but Hamida told him, ‘*no, I am fed up with men.*’ He insisted and he kept bringing things for her. She asked her mother – telling her ‘*You see this man who comes here, he wants to marry me.*’ The mom said, ‘*if he can afford anything you want, he can look after you.*’ Hamida said, ‘*I will test this man.*’ She told him, ‘*if you need me, let’s go for HIV testing.*’ They went. She again told him, the next step, ‘*if you still need me, let’s go to my parent’s home.*’ He agreed, and they went to her father in the village. Irene, who is also Muslim, related: “*Hamida’s father is a religious man, he is a sheik, and it was during the fasting period [Ramadan] – and when we are fasting if you are not married to a woman legally - you cannot stay together. So the sheik told him, ‘If you don’t have money now to bring so many things we can just legally [marry you] – and wait until after the fasting period then we can bring our gifts after. That is how they married, with the consent of Hamida’s father.’*”

I asked if the husband followed through. She said, “*He brought – they came as group.*” Irene related, “*What she saw is he gave her mom an envelope with money –like 40,000...but for the dad she doesn’t know what was there. Since then he has never brought anything to the father.*”

They were married in the mosque in July 2010. Hamida’s husband did not start as a Muslim, but converted for the marriage. Her husband operates a small business in Kyegwelede and I passed him daily, although he did not know I had a relationship with his wife. He has no education, and Hamida says, laughing, “*...even I am better than him - even writing his name is a problem.*”

Hamida had two children by him, ages 4 and 2 in 2014. They live in a house they own located on a row of similar homes, with some small businesses also present, in a depressed area that floods frequently. The brick walls have many openings where water, as well as rodents, can enter. I have only been in the sitting room, but the condition of the house is reflected by Hamida's insistence that I not take my shoes off when I enter. The sitting room is small, and crowded with a sofa that is in bad condition, a coffee table, an easy chair, and many things that are piled up so that when it rains, which is often, the water that inevitably floods the floor does not ruin everything. Conversation between my interpreter and Hamida frequently went to the needs for repair that were beyond her. During one visit, Hamida told us the rain had come up to the waist of the older child. Once when I asked about the pit latrine she told me, *"It is full but there is no money to have it pumped out."*

When I first met Hamida, she was sitting outside her house on her small porch, sitting on a small bench, preparing lunch on the charcoal cooker, while watching over her items displayed for sale. That day she was selling fish – both fresh and fried. Other times she sells charcoal, and she typically has a small stand with vegetables for sale as well. She explained that she buys fish wholesale from someone nearby, and then pays that person back as she sells it. When she was selling charcoal she had started with a large bag gifted to her by the LC3, and then she was selling it in small packets. The LC3 hoped she would be able to make this a profitable venture. I tried several times to understand her calculations to learn what her daily profit is, but her explanations get lost in interpretation, although Carol, who was interpreting, believes she is saying she can earn up to 5000/day on the charcoal and 7,000 to 10,000/day on the fish. From this money, she

has to put some money back to purchase more goods, and she was not able to articulate the real profit once this was accounted for. She uses this money for food, school fees, and any medical expenses.

Polygyny as a factor of abuse

Hamida says that things with her husband were fine in the beginning, including that he did not beat her. The problems started when her husband took a second wife in 2012, when she was pregnant with her second child. She says:

I was pregnant, and the pregnancy was about 4 months or 3 months like that but the man used not to give us anything to eat. He used to spend most of the time at the other lady's home and yet I was not working - like you know such a situation when our men find other women.

Fear of economic survival leads to reporting

Hamida first took the issues to her parents for mediation. Her husband promised to change, but he didn't. By now Hamida was “*heavy*” (very pregnant) and she had no means of supporting herself and her first child. She knew that soon she would have another baby and that without support she would not be able to live. She took her concerns to the LC1. This visit began a series of efforts by Hamida to get help.

Sarah's Story

A woman in Kyegwelede introduced me to Sarah by phone. I went to her place of work during a lunch hour, thinking I would set up another time for a longer meeting. Sarah began pouring out her story, talking faster than I could take notes, crying as she told me her current plight. It was some weeks later when I called Sarah about a time to come by again to learn more, and to offer to support her if she wanted to renew efforts for

justice.⁷⁷ This began many interactions with Sarah – both as an interviewer and as a friend. Sarah is a Muhororo from Rukungiri (west of Kampala) and a devout Anglican. She is Makerere University-educated with a BA degree, and all but her thesis completed for a Master's degree. When I met her, she was 45 years old, and had been legally married for 17 years. She said she was young when she and her husband got together and had a child. She did not share much about her early life, except that her father died when she was in Primary 7 and her mother is still alive. She had the customary introduction ceremony, her husband paid bride price, and they were married in a church. I noticed that she was still wearing her wedding ring. She and her husband have three sons – one born in 1995 (19 years old when I met her in 2014), and twins born in 2000. Her husband is a doctor at a local hospital, giving him a particularly high status.

Accepting of abuse in marriage

From 2000 to 2012, Sarah ran a small successful business that was in her husband's name. Sarah described the years before 2012 as “*difficult*” but “*tolerable*.”

After marriage it was not as I expected... ‘do this, go this,’ and when I come back...questions [where were you?]. Life started like this and worsened as time went on. ...in the last 10 years, there were beatings, slaps started over simple issues – cold food, the gate isn't opened quickly enough...

His habit was to give me difficult conditions but not direct confrontation... ‘You don't sleep before I come’ – he comes at five in the morning – you have no sleep. He hoots at the gate and you take three, maybe four minutes to reach the gate – [he demands] ‘what have you been doing in the house?’ As if you have some people [a man visiting]. [But if] he comes and you open before he hoots – ‘what were you doing here? You are with some others who are leaving.’ So just giving you hard conditions, hard conditions. For all those years. That was the situation I was in...

⁷⁷ I delayed in getting back in touch with Sarah to give her time to consider whether she really wanted to talk more with me.

... I had problems with it but I had decided to remain because I was convinced my children would not lack school fees because I would be knowing the money is in the account.... I said let me stay at least for the sake of my children.

While we were talking, she went to a cabinet and brought back a ledger for the year 2005 for the business to show me the excruciating detail her husband required of the bookkeeping.

I was not taking even a single coin out of it [the business]. ... Accountability is necessary, but it was beyond...to the extent that I decided to have no meals during day time because if I get a bun and eat it for 100 shillings⁷⁸ I have to answer for it ... if I have bought tea leaves for 100 [shillings] it should be there. If I have bought food for the children – beans for cooking and salt... for 150 it had to be there. ...So that is an example of the accountability he wanted me to do for him.

...one time I remember I even talked to _____ [a friend/advisor] – why don't I go and make some other business...[she said] 'when you go out of the [business] the public will think you are the one who is bad because he has given you a business and you have left it. What if he brings another woman and puts her...will you quarrel? So - you must remain' – and I think this was making some sense, not so?

Informal support persons tell her to “persist”

I asked if during these years she had spoken to anyone about how her husband was treating her, and whether she has an auntie, or cultural equivalent to a *ssenga*?

I had not tried any legal help but I would consult...sometimes talk to his parents but still he is as if he is a king at home so it would not help. Like we said, I would talk to my brothers and they would counsel me – ‘families have problems – you don't know what is happening in other people's home - some are difficult but you wedded so persist. ...People have problems persist.’

Pastor... [Would say], ‘when he quarrels, don't answer him,’ that kind of solution – ‘be calm be obedient’ - that kind of advice.

The person I used as my *ssenga* was my matron. She is my cousin but older than me...She would say ... ‘be calm’ – that kind of thing.When things were worse... she would materially, sometimes financially, help me – up to now she has been so close. Therefore, she has been my *ssenga*.

⁷⁸ In August 2015, 100 shillings is equivalent to less than 4¢ USD, a small amount even by Ugandan standards.

...In his clan – he is the first and only doctor in the clan – he is like a small god there. ...he cannot do any mistake. Instead, you are the one who is wrong. How do they start to say the doctor is mistreating the wife?

I would go to people who I thought would go to him, counsel him. They would say, I will talk to him, but I would find out they didn't.

At some point when she went to her father-in-law to ask him to speak with her husband, he tried to coerce her into sleeping with him. She says: *"This is where I stopped."*

Abuse worsens

Things got worse in 2011 when Patrick became born-again and connected to a female evangelical reverend whose claims include having direct communication with God.⁷⁹ The Reverend is affiliated with a mainstream Christian denomination in Uganda, but Sarah explained that she has an independent place at her home for worship and after the general services people follow her home for these *"other worship services."* Sarah was *"not sure"* if the relationship between her husband and the Reverend was sexual but said: *"It is difficult for me to tell, but the lady goes to the village [with him] for Christmas when I am not there...."*

In January of 2012, Patrick and two of his brothers confronted Sarah and told her to get in the car. They drove to the Reverend's home. They directed her to sit and Sarah said she was afraid they were going to throw her into a pit. She related what happened.

Then she [the Reverend] accused me, saying 'Woman – now tell us why are you bewitching your husband? God has been showing us – why are you doing this?' The doctor [her husband] pulled the *kavira* [bag] from his pocket and handed it to the reverend. She tries to see in the *kavira* without pulling out anything ...and just after seeing the *kavira* she says 'it is true, Doctor'. For me, I said now, if the reverend is saying it is true and I am sure from the bottom of my heart that I am not... I can't go any further to defend myself – God will defend me.

⁷⁹ Googling her name, which I am not using to protect Sarah's identity, I found web-based "testimonies" as well as newspaper articles reporting on her claims, dating from 2010 to 2015.

They began praying. As they were praying I also prayed quietly ... After prayers we moved out – into vehicle – and drove back. Some days (a couple) after that meeting he instructed the brothers staying in the house to keep watching the children from talking to me. I didn't know that they were given instructions until a certain point when I called one of my boys...I was in the kitchen – they were in the sitting room - I called to one of the sons and he said 'mommy don't call me they are going to report I was talking to you' - so that is when I realized. From then a relative was there – working as intelligence

After this, Sarah was isolated from others in the house, sometimes locked out of the house, forcing her to sleep outside. Explaining this she said:

We had three houses in one – each with 3 rooms – sitting room, kitchen, whatever... just one building. After that, he blocked the entrance with timber and he used another entrance to enter the bedroom. He could pass there and I remain this side. He kept the keys for my room and after school, I would sit outside until he opens. Every day...there were daily embarrassments.

The children were in boarding schools and during holidays her husband was collecting the children from school and taking them to the village (his home area), and to the Reverend's. Sarah spoke to a number of pastors within the Church about this female Reverend, but none was concerned or willing to be involved. Sarah says she stayed in that situation until she left a year later.

Fear of physical survival leads to reporting

Sarah said the turning point was in March that year. The children were at boarding schools, and it was only herself, her husband, and a nephew at home. Her husband asked her to sit so that he could interrogate her about something. He brought some half-full bottles of water, she knew nothing about, and began demanding information about them. He grabbed her, they struggled, and what Sarah described as a “*very sharp knife*” fell to the floor. She “*made an alarm*” so the neighbors would come – believing he intended to kill her that night. Neighbors could not get in because the gate was locked but Sarah ran from her husband and tried to find the keys to the gate. In the

end, she found that the nephew was hiding with them, on instruction from her husband. This motivated her to reach out to the LC1 and to police.

Discussion

As discussed in the previous chapter, women's gendered identities are not static and the context within which women try to address the basic needs for themselves and their children is constant work. The model below, identified as Figure 28, "The Interplay of Personal and Structural Factors in Decision-making," seeks to help explain this complexity as a major factor relating to why women do and do not decide to seek support for, or report, abuse.

As reflected in this model, a woman's decision to endure, resist, engage informal sources of support (friends, family, cultural or clan leader, religious leader), seek help from a service provider (legal aid, shelter, health center, counseling), or report to the LC1, police, or court, embodies the complexity of her position at a particular moment within her larger world, which is framed by the structural patriarchy present in Ugandan society. This model is grounded in an ecological framework and identifies some of the key factors at each level – personal/individual, community, national, and global – that impact a woman and very based on where she is in her own life course, as well as dynamic factors relating to her personal identity.

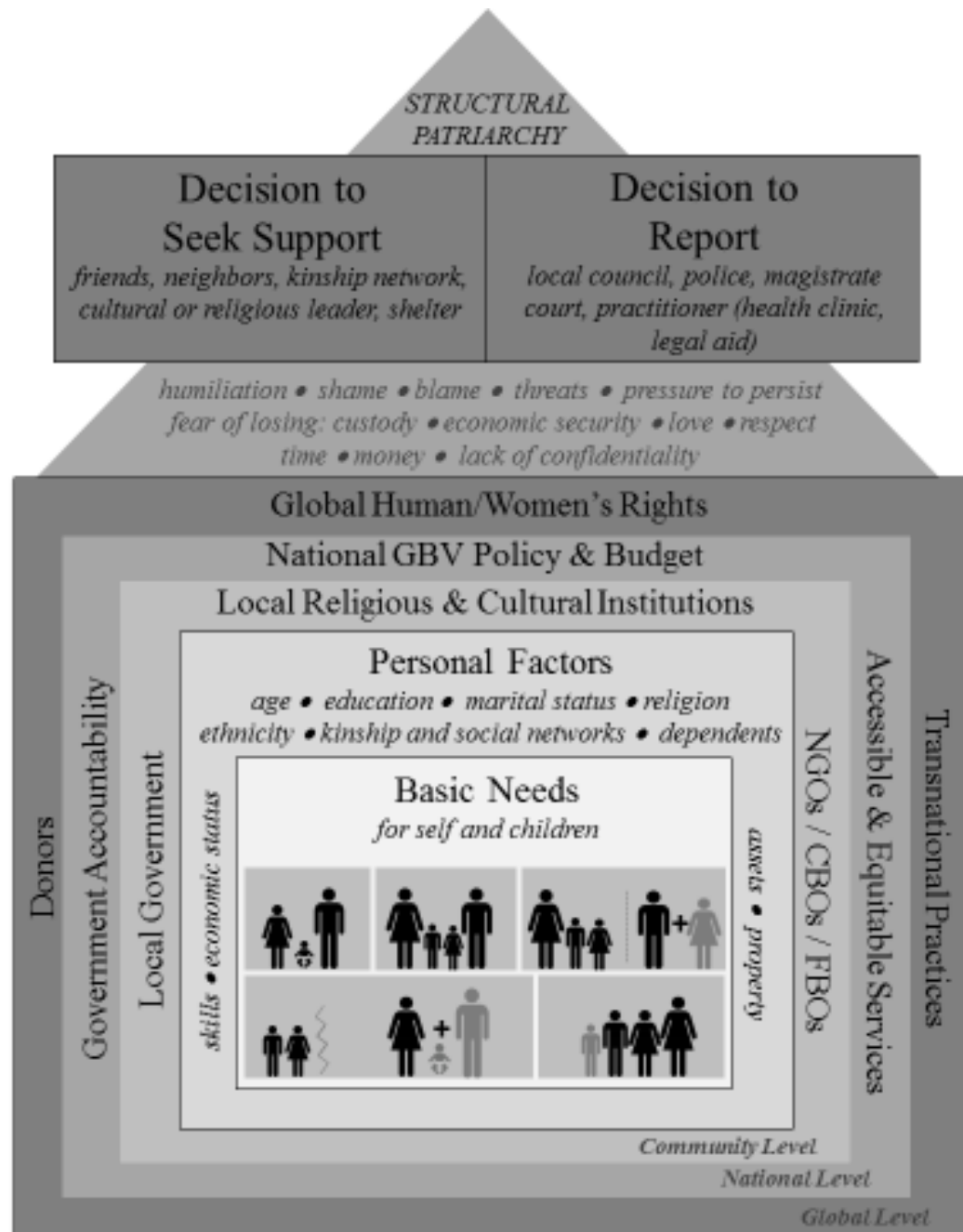
This model simplifies our understanding that a woman's most immediate decision-making about abuse in her marriage is dictated by the basic needs (center) of herself and her children, as well as other personal factors. Each woman's life course is different but factors of children, partnerships that may be legal marriage or cohabitation (but considered marriage in the vernacular) – are central. Other variables include whether

she has dependents inside or outside of marriage, economic status, and, others. The role of her kinship and social networks are key in determining her options, as well as the support or resistance to choices she might make about her relationship.

In the scenario depicted, which is just one potential life course story, a woman's husband partners with another woman (top right box) and leaves her with her two children. When she partners again, as with Jane and Hamida, she cannot bring children from another marriage into a new relationship. In Jane's case the children went to their father's family; in Hamida's they went to her family and she remains financially responsible for them. The bottom right predicts women left alone – still responsible for their families. As noted earlier in this chapter, this status is reflected in the UDHS survey.

The model also outlines factors at the community, national and global levels that play roles in a woman's decision-making. While a woman's personal context is always changing, the larger social, political, economic, and legal contexts at these levels are also dynamic. This model supports understanding the complexity of a woman's life at any one point in time, as well as why different women react differently when confronted with similar situations.

Figure 28: The Interplay of Personal and Structural Factors in Decision-making



Next Steps: The Process of Reporting

Deciding to report outside of one's own social network the first time is only a beginning. Typically, the help-seeking path within formal mechanisms starts with

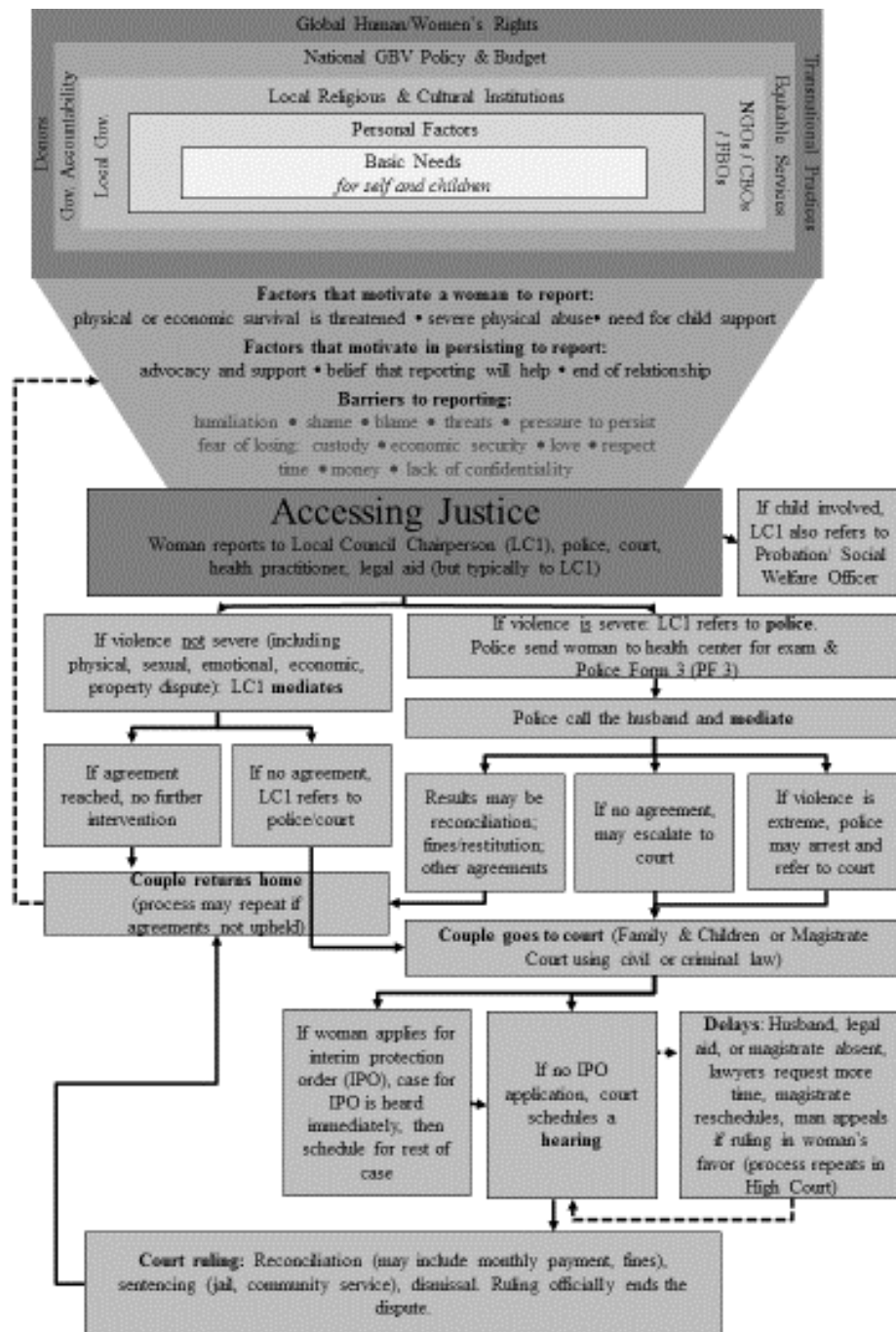
reporting abuse and aims to end with resolution of the abuse – or justice is long and challenging. Many women are threatened by their husbands or other family members and decide to withdraw complaints as a result. Others will be forced to withdraw complaints because they simply do not have the money or time required to pursue justice addressing the abuse. Some will determine that their time and money is better spent “*moving on with life*” and often they are encouraged in this direction by friends and family members, who may shame women for humiliating their husbands and themselves by reporting to the police. At times, the situation is reversed – with family members urging a woman to leave a severely abusive man, while she feels it is too humiliating, or the pressure from her husband or his family is too much. Some women will remain in abusive situations because they still believe their husbands will change and that things will improve. It takes an enormous amount of courage, tenacity, and support, to move forward.

In Uganda, because mediation is always part of the process of addressing complaints, consistent with what is allowed in the DVA, women must not only report abuse once to enter the system but if the mediation does not address the violence, they must re-report and start the process again. The process demands that women confront not only the violence that is at home but also the structural violence encountered along the way.

Figure 28, below, is a descriptive model that reflects how a typical case might proceed from reporting to the LC1 (on the left) and to police and court (on the right). It incorporates the factors seen to date and outlines the process a woman who decides to pursue a case might experience. However, seeking to redress abuse is never a linear process. In addition, as will be seen with Hamida, for example, while she was waiting for

a hearing on a case in court, she reported a different infraction to police, which was settled out of court. Factors that interrupt the process include corruption – both men and women told me that men often pay bribes to police to influence the process. Women also change their minds about moving forward, and later reconsider, going back to Figure 28, which reflects the constant flux of women's lives, as well as the pressure imposed on women to not report abuse.

Figure 29: The Process of Reporting



Case Studies – Part II – The Process of Reporting

The stories of Sarah, Jane and Hamida continue below - each reflecting varying aspects of how women, trying to access justice, bump up against various elements of structural patriarchy and the overall political economy of VAW policy and practice.

Jane's Story

The first time Jane reported abuse was when she learned her husband had obtained a loan without her knowledge and that the bank was about to seize the property to pay it back. This was in 2010. By the end of 2011, the legal aid agency had filed a law suit against both Jane's husband and the bank. Under Uganda's property law when a man and woman are legally married, both own the matrimonial home and one cannot sell it without permission of the other. A bank would have some liability for granting a loan without the wife's signature. Jane's husband, Victor, paid the loan and the legal aid agency withdrew the suit.

In January 2014 Victor was again having financial issues and began harassing Jane and the children, who he had parted ways with after the 2010/2011 events – pressing Jane that he wanted to sell the property. She continued to refuse. This is when he began coming to the property verbally, and at times, physically abusing her, and threatening to evict her from the property. It is around this time that he came to the property and removed the roofing of the pigsty, by now one of Jane's main sources of income. He also re-locked the house except one small room (which he had also done in 2010/2011).

Jane told me she had spent years building on this property and she used it to generate income for her children as well as grandchildren. She said it also represented a

permanent home for her children in the future, something that is important on many levels across cultures in Uganda.

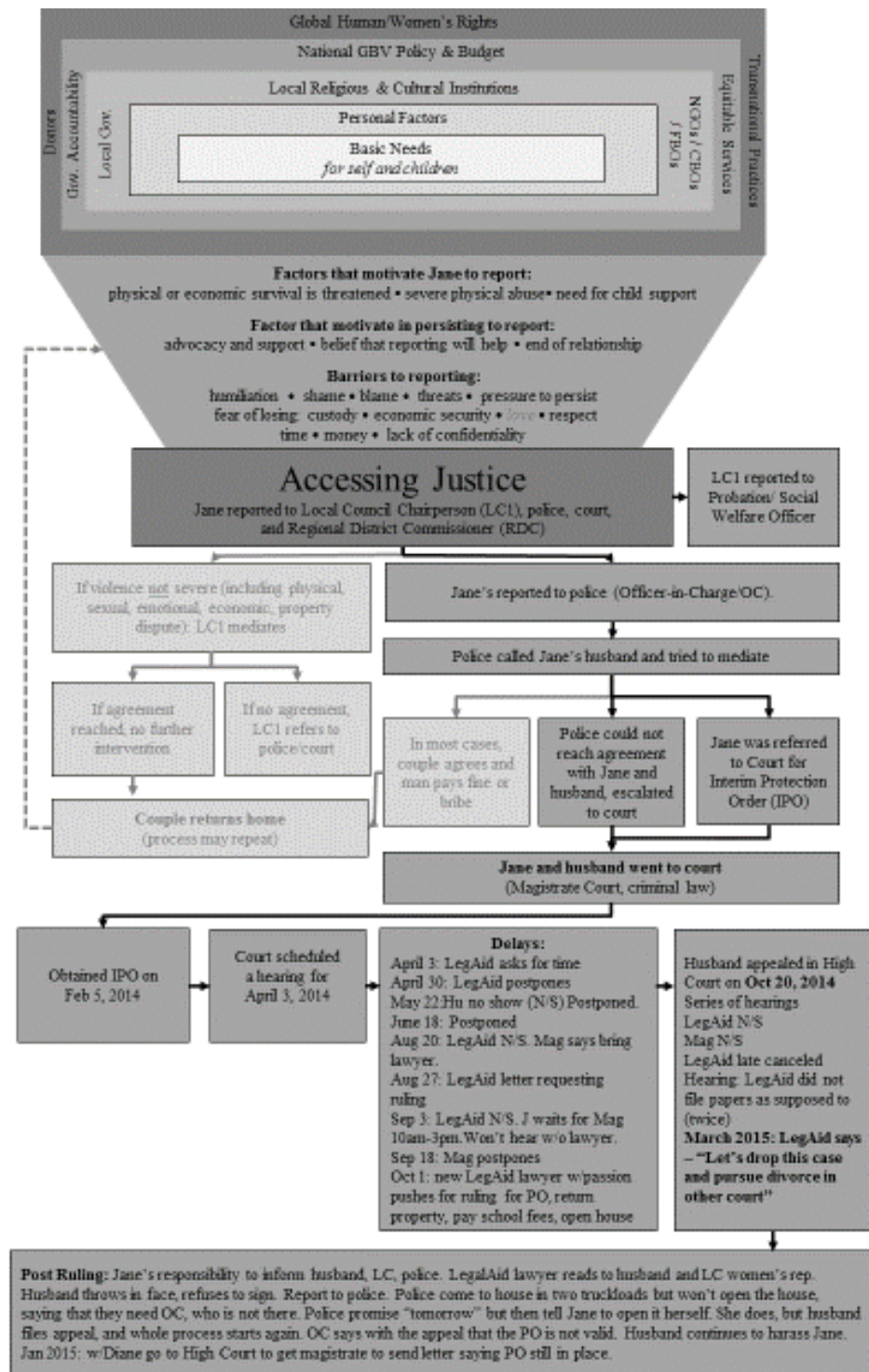
Figure 30 below, uses the Process of Reporting graphic (Figure 29) to narrate highlights of Jane's case. Details are written into the model. Jane had previously reported problems with her husband to the LC1, police, court, RDC, and Probation Officer. When abuse continued she reported to the Officer-in-Charge (O/C) at the local police station, who frustrated with her husband, sent her to the Magistrate's Court to get an Interim Protection Order. Jane told me:

We first went to police - now the Officer in Charge sat down and told him, 'what is wrong with you? You left the woman - leave her to stay with her children. She never asks you for school fees or food - why don't you leave her.' He said 'that is not my wife - I have never loved her - it was a mistake - that I have never been his level.' So that hurt the OC and he said 'let me send you to court so that they read for you the Law.' So the OC sent us - still he wrote it like that - he said this man I have sat down with him several times, I have counseled him, but he has failed to understand what I say so let the court decide what to do. So that is why we are here [court].

The O/C sent Jane to court to get an Interim Protection Order (IPO). She then engaged the same legal aid agency that had helped her in 2011. However, by now in 2014, the agency was over-extended in terms of its capacity to serve clients. What happens next is a succession of postponed hearings, with most of these because the legal aid lawyer either canceled the hearing or could not be present. By August, the court clerk was telling Jane – "*bring your lawyer.*" The lawyer insisted that the Magistrate should rule whether she was present or not, and technically that was true, because women have the right to represent themselves. However, the Magistrate continued to say that he wanted the lawyer present. Once I tried to advocate on Jane's behalf. I explained that the husband was coming to the property repetitively; the daughter still in school was not being supported; and Jane and many others were living in a small space when the rest of the

house is just locked. Instead of making a ruling, the magistrate chastised Jane for not reporting the infraction of the Protection Order to police and the court and lectured her about her rights.

Figure 30: Process of Reporting for Jane



Later I asked Jane why she was not reporting to police the infraction of the IPO. Jane said there was a day she was going to call police and was actually walking down the road to go to the police station, but stopped to talk a neighbor, who discouraged her. Some weeks later one of the older daughters called to tell me Victor was coming these days to the house on a regular basis. I said, “*Call the police – that is why there is a Protection Order*” She said: “*I know but he says this is his land, he has the right, and can come anytime he wants. We just kept quiet.*” Even Samuel, who is the strongest advocate for his mother told me he could not call police when he comes on the property, saying, “*He is still my father.*”

Things seemed to be escalating with Victor, so before the October 1 hearing, I called the lawyer to be sure she was going to be there. When she told me she was not going to be able to, I was beside myself. I begged her to make sure that someone could appear. She arranged to have a young lawyer, Paula, leave something else she was supposed to do. I picked Paula up to make the journey. As it turned out Paula was full of passion and energy and she was determined there would be a ruling before the end of the day. The Magistrate was ready to postpone – it was raining hard, there was no power at the court, he had not reviewed the file, and he had other things he needed to do. Paula was insistent. We waited for him to read the file, and then he dictated to the clerk a ruling, granting everything in the request. Now, there was no power for the desktop computer or printer that the clerk would use to type what she had handwritten. I offered to type it on my laptop. Then we were told we needed to get it printed so the Magistrate could sign it before he leaves the court – which he wanted to do within the hour. We drove the 2-3 kilometers to town, hoping to find electricity but there was none. We

stopped in three different places hoping for a shop with a generator. Then Paula spotted a bank. She ran inside with the flash drive, and told us after that she had convinced a clerk that this was a “*life or death*” matter and got him to break the bank rule about “*no outside flash drives*.” We dashed back to court and got the needed signature.

Now the task was to get the ruling implemented. It is incumbent on the plaintiff to inform all concerned about rulings. We started with police, hoping they would come to break the locks her husband had on most of the house to open it for her. They directed us to the LC. The LC was not around, but we ran into Victor and the woman’s representative who lived across the road as we were driving up to Jane’s house. Paula addressed Victor and the LC woman’s representative, while I sat in the car – close enough to jump out if needed to intervene if things got difficult – and read the ruling. He denied any prior knowledge of the PO and threw the ruling back in her face. He refused to sign or acknowledge receipt and made what we understood as a threat against Jane. In a somewhat funny moment, he tried to call his lawyer but found he had no airtime. We returned to police to report on the discussion, alert them of the threat, and to get assistance in opening the house.

As indicated in the graphic, soon after this Victor filed an appeal. On appeal, the case was transferred to the nearby High Court. The appeal effectively stayed any action of the lower court. Several weeks later Victor came to the property and started to destroy a cow kraal Jane had just built. She had built it to qualify for a free cow she had been selected to receive. Jane called the O/C, who told her the PO was no longer in effect because of the appeal. Eventually the O/C interceded but he continued to believe that the

PO was not in effect. Eventually I went with Jane to the high court and asked the magistrate to write a letter to him to explain that it remained in effect.

As noted in the graphic, the appeal had the same delays as the case in the lower court.

Sarah's Story

Sarah first reported to the police when she became convinced her husband was thinking of killing her, related above. What happened in this process and in her next interactions with a legal aid provider predicted her actions for the next two years.

She reported to the Child and Family Protection Unit (CFPU) at one of the police stations near Kyegwelede in March 2012. Police wrote a letter summoning her husband to the station, “...to enable us to hear your part of the story and take appropriate decisions.” Sarah was advised to take a neighbor with her to deliver the letter to her husband. She had a neighbor who is also the counselor for children at the LC so asked her to accompany her. She explains what happened:

He refused to receive it and even he kicked me. The lady [counselor] said, ‘now, what are you going to do? I said I am taking the letter back to the police, they will know what to do. She said, ‘no, since I am on the LC don’t do that because it will be embarrassing, they will come and pick up and corral him, and it will be embarrassing, so don’t do that.’ I said if I don’t do that what do I do? She said now...we will handle the matter first [at the LC] and if we fail we will see what to do from there.

The children’s counselor drafted a letter for Sarah to return to police with, thanking the police for the services, but stating that she would be intervening so the case could be withdrawn. After this, however, there was no action by the LC. Sarah said:

...he would make me sleep outside, I would tell them [the LC], they would say they are going to call and talk to him, I would look for their feedback – they say they have not gotten him, I go back to them – almost each day there was an embarrassment, and a torture – I would go to them, they would say we are going

to call him – he says he is going abroad, he is coming back, and so on, until it is November.

When a lawyer commented to Sarah, “*So you withdrew the case?*” Sarah explained her perspective: “*No – I have never gone there to say that I withdraw. Because they had said they were going to intervene so I was always waiting...*”. Sarah said things continued until the end of the year when she was waiting for the children to come home for holiday from their three respective boarding schools. Her husband was out of the country and she wondered if he forgot to organize someone to bring them back so she decided to try to get the children herself. At the first school, administration said the boy left 3 days earlier, but they could not say who picked him up or where he was going. She went to the police, but when the police inquired at the school, they said the boy was picked up under instructions of the father. She went to the second school and got the same story. At the third school, the “*younger*” twin was still there. She says:

...he was still in the dormitory when I arrived. I explained to the matron – I said I have come to pick my boy. She sent for the boy...it is upstairs, as he was coming down, at just the last step, he looked at me, and stopped moving down, and started crying. The matron looks at the boy crying and looks at me – she asks, ‘is this your son?’ I said ‘yes.’ ‘You are the real mother?’ I said, ‘yes.’ She said [to the boy]– ‘please come down.’ The boy comes - stands at a distance...[Matron] ‘Why are you crying? Don’t you want to go home?’ He doesn’t talk. ‘Why are you crying, tell me – who is this one?’ ‘That is mama.’ ‘Your real mother?’ ‘Yes.’ ‘Where do you stay?’ ‘In ____.’ ‘Where is your daddy?’ ‘I don’t know where he is now but he stays at home also.’ ‘The same home in ____?’ ‘Yes.’ ‘This is your mother?’ ‘Yes.’ ‘Your real mother?’ ‘Yes. ...Daddy said I should not go home with anyone apart from him or uncle. My mother is going to bewitch me – my daddy and Reverend ____ said so – I shouldn’t go with her when she comes.’ [The matron] said, ‘this is your mother – your uncle didn’t come –just pack your things and go home with her.’

Sarah says the boy cried and screamed, sitting on the *boda* (motorcycle taxi) with his mattress the whole way home “*as if I had stolen him.*” That night she heard the car come through the gate and the next morning the boy was gone. After some time she pressured

her husband's younger brother to tell her where the boys were – he told her they were at the Reverend's. Sarah explained that now she was afraid – she was staying in the house with all men and her children were not there, so she left and spent a few days sleeping at the business. Her husband started demolishing the building, knowing she was staying there.

The LC suggested she consult legal aid. She went on December 5 but they were about to close for Christmas. Sarah says: *“Now, this situation, I wanted to know whether my kids are alive or not; but they said the whole month they are closed - they come back in January. I had nowhere to sleep; I had nothing to eat. ...”* She went *“to rest”* for a few days with a friend, and then reported the situation to the Probation Office. The Probation Officer wrote a letter summoning her husband to appear on December 13, and sent her to police where she was given another letter, also summoning her husband. Sarah delivered the letters to the LC, who personally took the letters to her husband. The police officer had said he would call her when her husband came, and then she could come and they discuss. Sarah waited for the call but instead he phoned her, *“...and started ordering me that ‘doctor has been here and has said he didn’t chase you – can you go back home!’”* Sarah told him she had not said he *“chased her”* and was repeating her story to him when the police officer switched off his phone. Sarah says that she later heard that her husband bribed the police for 200,000 UGX (then ~\$75 USD). Exhausted now, and not knowing where to turn for help, she stayed with friends until January.

January comes, I go back on the 8th [to the legal aid provider] and they gave me a letter calling him [husband] on the 28th. On 8th January they give me a letter to send to him, which was calling him on the 28th January, which still I thought was a long time! I am still having nothing to eat, nowhere to stay, a whole month now staying with friends, eating from friends, putting on clothes from friends, and so on – still not knowing about my kids. I thought still that was a long time....

On the same day, the LC in Kyegwelede, where the business was located, handed her a letter to the community from her husband announcing that their business would be closing “*for renovations.*” At this point, Sarah told me she knew she had to focus on survival. The LC, police, legal aid – none were going to be able to help her. She said, “*I thought, friends are more helpful.*” Two friends provided loans and she opened the business a month later, in February 2013, in a new location. Luckily, she was able to retain some of the customers she had before. Since that time, her focus has been on economic survival while in constant search of information about her children from others.

I heard Sarah’s story in June 2014. Since January 2013, she had not sought any support from formal mechanisms, even though she was being denied access to her children, and her husband had brainwashed the children that she was bewitching them. She told me she had tried once to see the children at their schools in the last year. She was able to speak to head teachers at two of the three schools her children were attending; at one of the schools, the administrator was unwilling to even talk to her. None would allow her to see the son in their care, and one told her “*the boy says you are bewitching him.*”

I suggested that given the last two years of improved training of duty bearers about the Domestic Violence Act she might have better success today. I did not press her, but offered to help with transport and emotional support, if she decided to move forward. She decided to try again, but with a lot of fear that her husband, who she felt held a powerful position, could retaliate with violence or through other means, including destroying her new business.

Sarah was against trying to use the same legal aid agency that had not responded with the urgency needed two years ago so we first went to the magistrate court to find out what Sarah could do on her own. We were introduced to a pro-bono attorney based there. After hearing Sarah's story in an emotional re-telling of highlights, he referred her to a different legal aid provider. The first meeting with Prossy, a lead staff attorney, was lengthy – and started with a discussion about Sarah's fears about confronting her husband. Prossy said, "*It will not be possible to pursue the case without summoning the man to come to the agency... and no one is above the law.*" She emphasized that the first step is always an attempt to resolve the case through mediation. At the beginning of the meeting, I was thinking to myself that once she hears this story surely she will change her mind on this point, but she did not.

Prossy took a detailed history. At the end, she outlined next steps. First, was summoning the husband to come to discuss the case, with the goal of mediating a solution. Prossy was insistent on this step. She had also mentioned that the agency did not handle divorce, although I was unsure whether this was based on the particular in-house expertise of lawyers, or if this was a philosophical stance of the agency. She drafted a letter requesting the husband to appear the following Monday and instructed Sarah to deliver the original to her husband, and copies to the police, who should protect her in the event of any malfeasance by her husband towards her or her property. Additional copies were to be delivered to the LC1 in the area of her matrimonial home; and, the LC1 where her business is located. We spent the next 2-3 hours driving from one location to another, delivering letters. I delivered the letter to Sarah's husband first, who was argumentative, but also told me he had "*dreamed*" this and he could not understand why Sarah would

take him to court. Next, reaching the first LC1's compound we learned that he was registering voters at a church in a different village. Once there we find the church - located up a steep rut-filled hill that I barely navigate even in my four-wheel-drive Mitsubishi Pajero. While driving I was thinking – *“how do women do this if they have no money – the cost to hire a boda to do this would be prohibitive.”*

We returned the following Monday to the legal aid clinic and the husband did not appear. Instead, he had written a letter denying all allegations and saying that his wife is free to *“come home.”* The attorney insisted he should be given a second chance to appear for mediation. We repeated the process of driving around to deliver letters. This time the husband was not in his office and I delivered the letter to a receptionist. Again, on the appointed day, when we return for the third time to the legal aid office, the husband did not show up. This time Prossy tried to call him. He answered then turned his phone off after she identified herself. I noticed a definitive difference in Prossy's attitude after Sarah's husband personally insulted her.

As a next step, Sarah and Prossy decided to visit the schools to determine if indeed, as the husband claimed in his letter, Sarah was free to see her children. The following week we drove to one of the schools, using my vehicle, which made the hour-long trip in each direction happen far sooner than if they had waited for an agency vehicle. When the school guard called to get permission for us to gain admittance he was told not to allow Sarah to enter; however, the head teacher agreed to see the lawyer. Prossy and I met with him together. He was sympathetic to Sarah, but explained that she came one day, *“...we call the boy, he sees her, he runs away, saying the woman is evil, she is going to kill him.”* The headmaster explained that the father is at the school

frequently and he suspects he is under control of “*the pastor*,” and, that there is an intimate relationship between them. His impression was the only way to deal with a man of this stature was to take him to court. He repeated that the only reason he was not allowing Sarah inside the school is that there was such a scene when she came last time, “*the moment the child saw the woman – he became traumatized*” and that “*the boy’s mind has been completely transformed*.” Prossy asked to speak with the boy, who confirmed that he believed his mother was bewitching all of them.

Prossy ultimately determined that Sarah’s case should go to court and she asked us to return to meet with a pro bono attorney she would arrange to take the case, saying she does not represent clients in court. In the first meeting, it appeared this attorney, Elliot, had not read the file. He assumed that there were problems between Sarah and her husband that could be repaired and he wanted to know, “*what is the problem [between you and your husband]?*” He implied that she had not been a good mother – saying children “*naturally*” love their mother, asking questions about what her relationship was with them, and querying whether she spent any real time with them. When Prossy and I interjected additional information, he dismissed our explanations, saying he had read the file thoroughly. He read the letter from the husband and asked if she had actually contacted the parents, and others the man claimed wanted to embrace Sarah back into the family. He said that if all she wanted was a divorce she could merely claim “*irreconcilable differences*.” He insisted that it is “*very rare to see children turn completely against their mother*” and minimized the concern about the children being brainwashed, stating: “*...children – it just takes about a year and the children will forget*.” Prossy initially tried to point out some of the realities of the case but ultimately

kept quiet. In the end, he asked Sarah to take a week to think about how she wanted to proceed, and he gave her the number of a counselor he wanted her to speak with before she made a final decision.

Sarah made an appointment and went to see the counselor. A text message from Sarah implored me to come see her. She summed up her meeting as follows:

...all in all she [the counselor] was against going to court for whatever reason – whether it is for access [to children], whether it is for divorce, she was saying – ‘NO!’ ...and she gave me quite a number of reasons. ‘One, look at where you are and your reputation in that community where you are staying....it will spoil some of your relationships and reputation in the community. ... Because when you go to court all this, whatever he has ever done will come out. You will be forced to give it out as evidence. ... it will be public and even in the press and on TV. Everything will be public.... Two, it will not be a one day issue...It can take months, or even can approach a year or plus. Then look at the children they are going to be more brainwashed and more biased to you. ...Psychologically it will torture you more. ...Even your project, you may fail to run it because you are thinking of how to go about something which is every time eating your thoughts, your brains, and so on. It needs some money – operational costs – moving here and there. ...For him he can meet the costs but for you? ... You can make permanent enemies. Now they [his family, friends] are silent but once you take him to court ...Court is DANGEROUS!’ ... She compared going to court to ‘committing suicide and then remaining alive to see how you are dead.’ She said, ‘Please don’t risk it. It is a bit early to go to court.’

The counselor suggested Sarah take the issue to the highest authorities in the Church as a next step. Sarah was able to meet with a high-level religious leader, a Bishop, in the church who promised to look into the issue with the Reverend but he also encouraged Sarah to return to legal aid. She decided to wait.

Hamida’s Story

After attempting mediation with her parents, nothing changed for Hamida. In fact, her husband, Musa, called her father one day and said to come pick up his daughter, threatening that if he didn’t he would find “*a dead body*.” Hamida went to the LC1, who summoned Musa to come with any of the people who escorted him for the marriage (his

parents are not living) to discuss with Hamida and her parents the problems to see if they could be resolved. At the meeting, Hamida reported that her husband was not giving her money for food, medical care, and other necessities – for herself or the child. The father and the chairman asked the man what the problem was, according to Hamida giving him a chance to voice his complaints about her, and he said ‘nothing’. Hamida’s father, a sheik, advised the man that while Islam allows two wives you must support them both.

At this meeting, her father said he was very angry about the call received, saying he was particularly annoyed because the man had given little when he married his daughter. Musa apologized and asked for forgiveness - saying he would never do it again, and that he would provide support. The father said he would forgive him as long as he ‘does his responsibility.’ However, according to Hamida:

So we parted when he had been counselled like an adult so that he can change so he went back home and I thought he was going to change. He didn’t change anything he couldn’t even give us food at all.

Her parents were giving her everything. She said:

They sent food, they sent everything, and even give me hospital money until I went to the Chairman and I told him and he said that I wait for some time before taking him to ___[legal aid agency] - he might change. But, I realized he was not changing in anything so the Chairman gave me the letter [referral to legal aid].

During this time, while she was still pregnant, Hamida came home one day and found her husband showing the house and the plot of land it is on to some men. She was able to stop one of the men leaving to find out what they were doing. It turned out her husband was trying to sell the house to the bank because he needed money. Hearing that she was the legal wife, the bank person told her to get someone to write on the house – *“this house is not for sale,”* which she did.

Hamida went to the legal aid provider, who gave her a letter to summon her husband to come discuss the issue. She said, “*He looked at it [the letter] and said ‘ooh so you have taken me to ____, we shall see where it will all end.’*” He did not show up at the appointed time, so legal aid gave her a second letter to give him. This time he came.

When he came they put us in a room and they counselled us and they told us the lady came here with her issue – you don’t take care of them and you see the lady is pregnant and she tells us that you are selling the home. Do you have any other place where you are taking them? And he said no, but I want to buy a bigger place. So if you want to buy a bigger place, did you tell her about it? That no, but the home is mine and the plot is mine – I don’t see what stops me from selling.

So he was told that it’s his responsibility to take care of his family so they want to see that he takes care of me and that if they ever hear that you have sold that house you are going to be arrested, and if we hear that the Bank has lent you money the bank will be held responsible. So he left when he had understood everything and he gave up on the house. But we still remained with the issue of not having necessities.

Hamida returned to legal aid asking for help in getting the man to provide support. A court day was arranged at ____ Court but on that day the lawyer told her she should go alone and represent herself.

...we entered in and we sat at the table of the judge. He read through the case, how it has been moving, and he told him that sir the lady is accusing you that you don’t take care of the family yet she is pregnant and you need to take care of her to have a safe delivery. The magistrate asked the man what amount he could manage – saying your wife is about to give birth – how much will you give her? He said 90,000 UGX [\$33]/month. He was asked then what will you give for her to give birth.

The husband said she could go to Mulago where it is free. The magistrate pointed out that there are still costs. A reconciliation agreement, dated 21 November 2012, was signed stating that Musa would provide 90,000/month maintenance and pay medical bills for the daughter and the birth at Mulago. This money was to be paid at the court monthly, where Hamida could come to collect it. Hamida told me that the magistrate pointed out

that 90,000 was very little – only 3,000 shillings a day, but her husband insisted it was all he could afford.

Hamida says her husband took the 90,000 UGX for maintenance to the court maybe two or 3 times. There is no mechanism for the court to track payments, however, leaving it to the woman to make another complaint if her husband does not follow through. Meanwhile, Hamida says she had “*nothing*.” Her mother took her to hospital when she was ready to deliver, and when her mother called her husband to come pay the bills he switched off his phone. Hamida’s mother paid. When Hamida reached home she found that her husband, who had not been at the house for several months was there cleaning out the small drainage ditch in front of her home with a spade and hoe. Hamida says he believes in witchcraft and knows that he was “*putting things*” there. She said that her neighbors were greeting her, saying ‘welcome back,’ as is the custom, so he came over and said ‘welcome back,’ gave her 20,000 UGX [\$7.40], and left.

For one year, she was supported by neighbors and her mother who would provide food. By then she felt so desperate she decided to go back to court in February 2013. Her husband was summoned to court in March but he did not show up. Hamida returned to court in July, and another summons was issued for August. He came to court but tried to deny paternity of the baby. The magistrate told him he could pay for a DNA test if he wanted to prove this, but meanwhile he was to resume payments, or he would be arrested. However, there was no follow-up to initiate any action against him and he did not make payments.

When I visited Hamida in June 2014, she was conflicted about returning to court. She told me she had gone back some time ago to re-open the case clerk asked her for

money to locate her file so that her case could be reopened and she did not have the money. Hamida's auntie advised her "*not to bother with court and this man*" but to work and make money to support herself and her kids. Hamida followed this advice for a while, continuing to resell charcoal and fish. At the same time, she was concerned about her husband feeling he had gotten her to give up on the court. She said:

Another thing let me be strong, because this man, the way he is feeling good... even him he is happy because that I gave up on the issues and he is strong now and he is a person who uses a lot of traditional medicine. ... I think they did something to see that I give up on the court issues and he is happy because they no longer summon him in court, he doesn't take money there, and he sees he is at peace.

Hamida also believed he was using witchcraft because he did not show any fear of the judge, who told him if he did not pay, he would go to prison.

Hamida shared several stories about her desperation. When the first child was 3 years old, she wanted to take her to school. She found a school where she could pay just 60,000 UGX [\$22] a term. She paid the first term but the second term she was not able to come up with the money. She thought that perhaps Musa would be ashamed in front of his colleagues so she went to his work, knelt in front of him, greeted him, and told him that their daughter was being chased from school. In front of his co-workers, he told her he would visit the school and see what he could do, but he did nothing and later told her, "*You give me the child and I will send her to a less expensive school.*" Hamida did not want to give up the child.

Then, she wanted to get a tenant in one of the rooms to generate some monthly income. She went to the LC1 to get permission to have a tenant and he told her that knowing her husband, it was a bad idea and she should not do it.

A few months later a child of her husband and another woman died. He brought the dead body to the house, complaining that she killed the child with witchcraft, and threatened to kill her. Hamida went to the police to report him. When the police called him to the station, he told them that Hamida killed the child with witchcraft. Police told him: *“We don’t believe in witchcraft and if anything happens to her you will be the first suspect.”* When I visited her in August 2014 Hamida said she had heard rumors that her husband was going to set her place on fire but she was not ready to go back to police or court because she thought he might implement his threats if she did. We discussed getting a protection order. I had gotten some advice from a local NGO that believed this would be a good option for her. To implement it Hamida’s neighbors would need to be engaged so that if anyone sees the husband approaching the house they would make an alarm and contact police. Hamida said she would think about it but when I return a few days later she said:

...that man loves this house *so* much – he loves it more than he loves his kids, because he is not taking care of the kids but he is chasing for his property, his house, because on that other side he is just drinking. So how will he feel when he wakes up in the morning and they are like there is a *law* preventing you from reaching your home, when it is not his own decision of ‘I won’t go there’ but a law putting restrictions, from stopping coming to his own home.

In November, Hamida tried to call me, but I was out of the country. When I returned, I visited her to learn what was happening. She said that she and her husband had come to an agreement to sell the property but she wanted to seek a divorce and have matrimonial property divided by the court to ensure she gets her full rights. She was concerned that her husband could influence the LC1, and that she would not receive a fair settlement. Meanwhile, Musa had started coming to the house harassing her. She had called me to ask me to help.

Just after that call, her husband came and beat her. Hamida reported him to the police at a nearby sub-station. The police there were responsive. They gave her a Police Form 3 (PF 3) to be filled out at a medical facility as evidence, and, they came to talk to neighbors to get witness statements. They arrested Musa, held him overnight at the local station, and then transferred him to the CFPU at a larger station, where they held him a few more days. Hamida had to pay out of pocket for the medical exam (20,000 UGX, ~\$7.40) and a small amount (5000 UGX) to facilitate police coming to her residence to talk to witnesses and for her husband to be transferred from one station to the other.

Police discouraged her from having him sent to Luzira prison – saying he would be badly influenced. Instead, they asked what she wanted in compensation. Hamida said 1 million UGX [\$370]. They said, '*that is too much*', and she settled on 450,000 [\$167]. Musa was released after paying part of the fine and agreeing to pay the remainder in installments. When it was time to collect the last installment of 100,000 shillings, it happened that Irene and I were with Hamida when the police called her. She was told to come on Monday when her husband would also come, and that she could collect 70,000 but would also need to sign papers saying that she was also agreeing to the sale of the land. Hamida got off the phone and explained to me and Irene that they were trying to trick her into meeting her husband there and signing the paper about the sale of the land. She knew that her husband had paid them for this. We decided to go to the station immediately to see what she could learn. The officer was still there but not happy to see all of us. She reluctantly told Hamida she could give her the 70,000 now. By now, at the very end of my research, I was feeling bold. I intervened and asked why she only got 70,000, when her husband paid 100,000. The officer insisted there was a

miscommunication about both the money and signing the paper and gave Hamida the full 100,000.

With Hamida's permission, I had engaged Irene in the court case she wanted to pursue, hoping I could both build the capacity of Irene's CBO for this kind of advocacy work, and effectively disengage myself. I no longer had a regular interpreter because my research was ending and Hamida only speaks Luganda. After trying to find an alternative legal aid agency that could help her, we ended up back at the same one that had worked with her before. It took several visits to get her documentation in order, including a visit with her father who provided some evidence of the marriage. A date was scheduled in the court, and I paid for the process server to deliver papers to Musa. However, the legal aid lawyer never returned calls by Hamida or me to find out what her next steps should be. On the appointed day for court, in March, Hamida and Irene went to court, but neither Musa nor the legal aid lawyer appeared.

Justice

.....an ordinary person cannot afford to go through to register a case. She cannot go here and there when she has no money – someone else [the husband] will go there and bribe. We used to have these organizations like ____ – it started very strong but later it weakened. It used to be that men even feared it - when it weakened that changed... A person has no means of pursuing a case – now you are telling her to go to court? How?

- LC 1 in Kawempe Division

Usually for a mediation to be successful I believe it is the way you initiate it from the very start... If you start a mediation with not explaining to the people why exactly we have come for the mediation – they end up discussing issues that are not what you want to be resolved. Say, for example, if they come for mediation either for settlement of property – they want to divide what property a woman can have for her children – and they have come for maintenance - if you just sit down and tell them, 'look here we have come for a meeting and we want to discuss your disputes in your marriage they are going to discuss mostly their emotional disputes...he abuses me, he beats me up, he brought a girlfriend home, he is selfish, he is not understanding, he cannot listen to me - yet the main point at that

moment is for you to get shelter for the children and get the man to pay fees for his children.' ... Right then...from the beginning, the man and the woman know what to discuss – they will know we are here we are looking at the children, their shelter, their maintenance, and their school fees – right from the beginning – so you will keep them focused to the main interests of the mediation.

- Legal aid lawyer

Background

I did not interrogate the meaning of justice with most women. This large topic is beyond the scope of this dissertation. Within the arena of domestic violence many activists, religious leaders, and others are exploring alternative means of justice for women, including restorative justice, based on findings, referenced earlier, that around the world women prefer non-criminal options in most cases of domestic violence.

I did ask women what they wanted or what they would expect if they took a case to the LC1, police, or court. In general, most women who seek formal support are seeking settlements that will ensure child support/maintenance, address custody issues, resolve issues around property and housing rights, and ensure safety and security for her and her children. Perhaps increasingly with the DVA, a woman might seek compensation for abuse (as police encouraged Hamida to do), and possibly women will want to see a husband jailed as punishment for abuse, especially if he is not providing support.

Because of the tradition of mediation of family issues, many women anticipate mediation as a solution to problems, particularly if she hopes to remain in her relationship with a man. Several women asked me to “*counsel her and her husband*” and some women say it is helpful when an elder in the family does this. Often, however, counseling within the local culture includes messages to women about how to be a better wife so that her husband will not find cause to beat her.

In trying to explain the role of mediation an attorney told me the following:

We do mediations because we know the court process is long - finding a solution in court takes longer than sitting down at a table and discussing it and finding a solution. With court there have to be court days, there will be adjournments, there will be court papers – the whole process is very long. Whereas with mediation you are going to sit down two people... The longest it takes is one day [or maybe] postpone to 2 days, or 3 days, or 5 days later, for the people to look at their different statuses, and to reconcile themselves to come to a proper decision that is not detrimental to any of them. ...

She explained that part of the agreement is specifying whether the man brings the money to the legal aid agency or if he will pay it directly to the woman. Usually he brings the money to the agency. If he stops paying, there is no system to alert a clerk, but the woman is supposed to come back or call. Courts follow this same process. The lawyer I was speaking with defended this system, saying: “...*files are not closed, and agreements are subject to amendment.*” I asked what happens if a woman is intimidated by her husband and does not come back? She said, in the case where there has been violence and a woman does not come when you expect her on a specific day then you call her, and ask if she is okay. She said, “*They are part of us now.*” Paralegals with the CBO in Kyegwelede, and several other service providers all said similar things. Yet, an overall lack of capacity by service providers and duty bearers; the fact that mobile phone numbers frequently change; and, discussions with women who told me they never returned to follow up and no one called to check on them; provides at least some evidence that idealized notions of follow-up are not realistic.

In the US, mediation of disputes between couples where domestic violence has been present has historically raised red flags because of the implicit imbalance of power in relationships. This has created debate around court-mandated mediation in custody and divorce cases, with many states now requiring screening for DV prior to mediation (Landrum 2011; Murphy and Robinson 2005; Rivera, et al. 2012; Wheeler 2002). These

same issues concern some activists in Uganda. Organizations such as CEDOVIP are working to create models for mediation that appreciate the imbalance of power that exists between the male and female partner but these initiatives are nascent.

Case Studies – Part III – Justice is Elusive

Sarah's story

Sarah returned to see Elliott, the pro bono attorney a few days after meeting with the Bishop. He repeated much of the same that the counselor had said. Sarah reported he said:

...divorce...it is like cutting a tree when you know that after cutting it it will be tied off. ... it is more of destroying than rebuilding. Those are the words he used! ...divorce - it is a very strong word, very sensitive, which you want to go to when it is the last, last resort! We go to it but we want to do when it is just the last, last resort, because in most cases the bad element is bigger than the good we get out of it. Those kids they have spent a long time with their father... you might wonder if you go to court and ask him for divorce then they may say, what kind of mother - she is running away from this. He said ... if you decide to go, go knowing it is not a simple issue. You will be embarrassed, you will get all kinds of ..., you must go when you are courageous... I said I am going sooner or later, that is what I told him.

My last discussion on the topic with Sarah was in late November. She told me she was very busy with end of the year activities for her business. She says this “*helps me to forget my other problems.*” She wondered if I would drive her to visit one of the schools if she could time it after exams, so that the visit did not distract the child, but before the dormitory closed. I agreed but later she told me it was too late to go. In mid-December, both radio and newspapers featured a business scandal involving her husband. Sarah says that for now she has left the issue of court.

Jane's story

In March 2015, the legal aid attorney told me she believed the best way forward was to drop the case using the DVA at the High Court, saying that the time being spent on it was now counter-productive. She said it would be best to pursue the divorce case in the High Court, which at this point would address all the issues of the lower court. However, part of the logic used earlier was that the DVA case would support the divorce case. This seemed even more important given the anticipated challenge of proving the legality of the traditional marriage. I suspect, however, that lawyer was concerned because she had failed to appear in court at least once, and did not file petitions on time.

Meanwhile, Victor continues to harass Jane. The next hearing for the divorce case was scheduled for October 2015 but did not occur. Jane is considering withdrawing the case, as her husband has been incessantly requesting, and settling the case out of court with him.

Hamida's story

Hamida's court date was set for March 30. Knowing that I would not be available to support Hamida directly, I had engaged Irene in the case although her direct experience with this legal aid provider was not extensive. Hamida became concerned that her husband had bribed the court server to influence her case, and meanwhile the lawyer was not picking up her calls to learn more about what would happen next. I tried to call the lawyer on her behalf, but she also did not pick up my calls. I was leaving Uganda for several months and left the case in the hands of Irene and Hamida. Although they had not succeeded in reaching the lawyer beforehand, she and Irene went to the court on the appointed day. Neither the attorney nor her husband appeared.

Hamida's husband has not returned to the house since being jailed and Hamida insists that she is just "*waiting for Diane to return.*" I talk with Irene now and then to let her know that I am not returning soon, so please move forward without me. To date, I understand Hamida is just waiting.

Conclusion

While my sample is small, several themes emerged, that have been discussed. The first is that despite the fact that Kyegwelede is in an area where a considerable amount of work has been done to promote knowledge about domestic violence, knowledge specific to the DVA is still low. Women know they cannot be beat, and many say that men in Kampala use less physical violence because they know they can be arrested. There is also customary law and practice that govern men's responsibilities to their families, promoting reporting to family first, and later the LC, issues relating to economic negligence, particularly for children.

This chapter suggests that women who report to a formal structure do so because they have no choice – they report to get help that will ensure survival – for herself or for her children. They report for one of three reasons: 1) her or her children's survival (physical or economic) is threatened; 2) she experiences severe physical abuse (often public); or, 3) she needs financial support (maintenance) for her children. The reason women do not report less severe abuse in urban Kampala, which if addressed could dramatically improve the quality of their own and their children's lives, relates to the political economy of VAW policy and practice.

Within the stories of Jane, Sarah and Hamida there are also themes of improvement and success within Uganda's political economy. Many of the actors in the

three stories reflect the context of policy and practice focused on preventing and responding to violence against women. Both Hamida and Jane benefited from police who had been trained on the DVA and who acted within the guidelines of the Act. A magistrate provided a Protection Order. The problems that persist, including an Officer in Charge who was reluctant to implement the Protection Order, and police who see it as their right to exact their share of what is meant as compensation to women, relate to the underlying structures and dispositions that perpetuate patriarchy and domination – conscious and unconscious. Nonetheless, slowly, the habitus within which men and women relate to one another has shown signs of change. As one woman said: “*Today, men fear to beat women too much.*”

Chapter 7: Conclusion

...all in all she [the counselor] was against going to court for whatever reason – whether it is for access, whether it is for divorce, she was saying – NO!...and she gave me quite a number of reasons. One, look at where you are and your reputation in that community where you are staying....it will spoil some of your relationships and reputation in the community. ... Because when you go to court all this, whatever he has ever done will come out. You will be forced to give it out as evidence. ... it will be public and even in the press and on TV. Everything will be public. ...It will not be a one day issue – you petition, prepare, he is preparing himself – and the kids have the risk of being more brainwashed. Even the children are now being more harmed. It can be months, or even years.Psychologically it will torture you more. Even your project [business] will suffer... It needs some money – operational costs – moving here and there. ...For him he can meet the costs but for you? ...You can make permanent enemies. Now they are silent but once you take him to court ...Court is DANGEROUS!she compared ...going to court to committing suicide and then remaining alive to see how you are dead.” Please don’t risk. It is a bit early to go to court.

- Sarah reporting on her conversation with counselor

Introduction

My research utilized multi-sited ethnography within policy and practice spaces to support an understanding of the context within which women navigate access to support and justice relating to domestic violence. This approach was invaluable for understanding the daily struggles of women who try to utilize policy that challenges duty bearers, in part because it is new and a different type of law than most are accustomed to, but also because it can conflict with the structural patriarchy that is so engrained at all levels of Ugandan society. This dissertation was primarily concerned with women’s access to help for domestic violence within formal mechanisms named by the DVA. However, it was also about all women living in Kyegwelede who are struggling to differing degrees within the constrained space between women’s access to a life where they are treated justly and the overarching structural patriarchy that exists within families, communities, and in national settings.

In this concluding chapter, I discuss how these ethnographic understandings illuminate theory to support improved policy and practice; how my research contributes to the anthropology of GBV; and, how ethnographic knowledge can be used to provide recommendations for policy and practice, as well as for future research.

Building Theory

My purpose was to understand how and whether policy and practice have affected the ways that women think about, and act, when affected by domestic violence, as well as how it has affected formal mechanisms that are supposed to help women. In this dissertation, I first provided the international, national, and local context within which VAW policy is developed, as well as implemented. This context includes the history and evolution of political systems, international and national women's rights movements, kinship systems, religious and social norms, and the current policy and practice framework for VAW.

I approached this understanding through a model presented in Chapter 2, developed during my analysis as I tried to make sense of the dominant themes found in my ethnographic research. This model (Figure 3, page 35), provides an overview of the political economy of VAW policy and practice from a woman's perspective. It is circular to reflect the dynamic aspects of each variable. Individual women are in the center, where some of the influences on her personal identity are shown. Moving out into the larger concentric areas - political and economic factors that occur at national and global levels are identified that also influence women at the local level.

The model identifies two opposing aspects of the social system affecting women experiencing domestic violence. Structural patriarchy, at top, is supported by customary

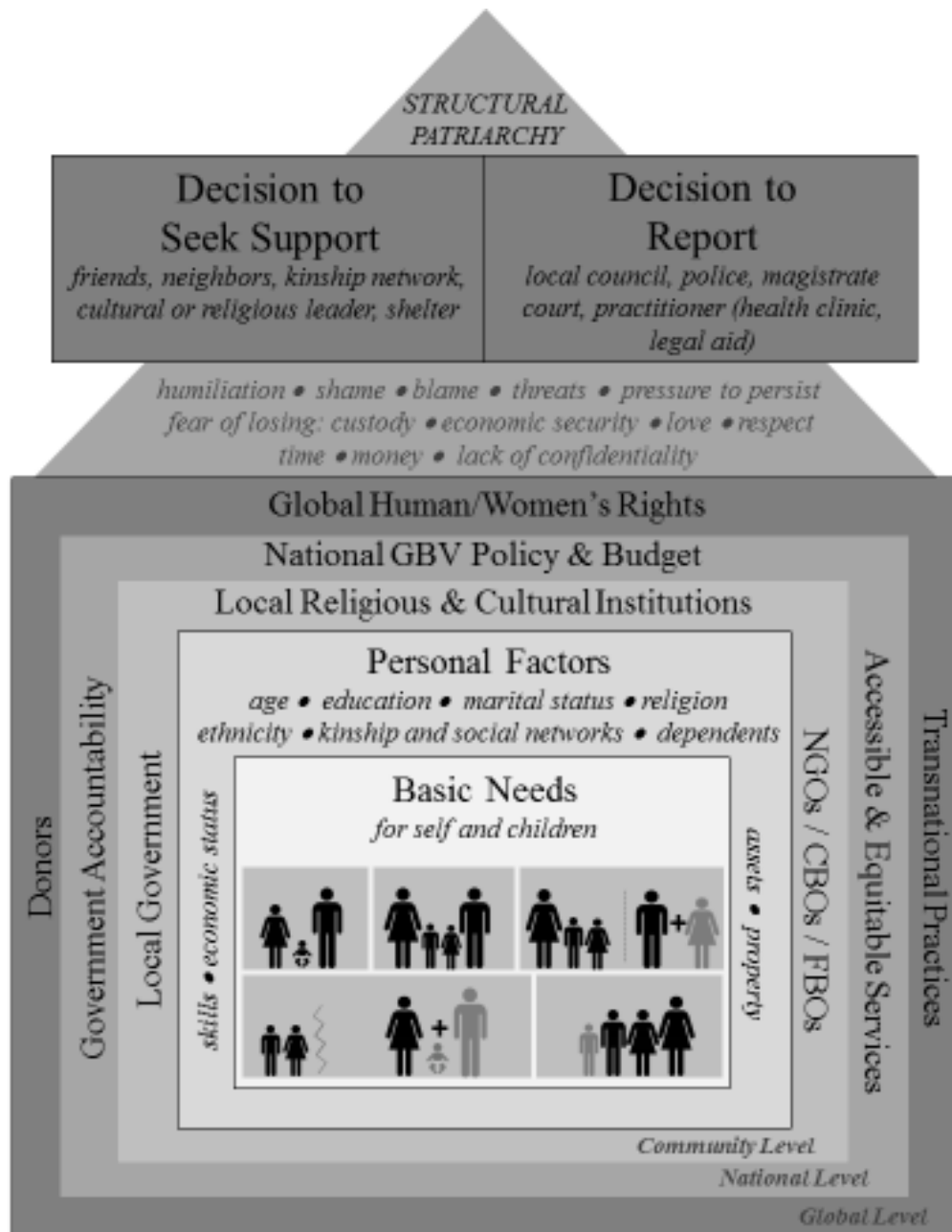
& statutory law; kinship & social structure; and religious & social norms. Access to justice is supported by the country's policy & legal framework; interventions to support women's agency and empowerment; as well as education & economic opportunity. Women who seek access to justice are often stuck in the space where access to justice bumps up against structural patriarchy. It is here that women I knew negotiate the complex decisions that are detailed in the next model.

Further problematizing women's decision making processes, the graphic titled *The Interplay of Personal and Structural Factors in Decision-making*, presented in the last chapter, is repeated below, as Figure 31, for additional discussion. This model is grounded in an ecological framework, internationally adopted among those working on VAW issues that domestic violence is not situated in the interaction between two individuals, but is embedded within social, political, and economic factors within individual, family, community, national, and global levels (Heise 1998). The graphic identifies some of the key factors at each of these levels that will influence a woman's decision-making in urban Kampala.

In this graphic, the center shows a woman across part of a potential life-course. It pictures: 1) a woman from a time she first partners and has a child, 2) a woman living with a husband and two children, 3) her husband leaves her and the children for another woman, 4) she re-partners, but cannot take the children conceived with a previous partner into another marriage, 5) she has a child with the new partner, 6) as her husband leaves her or takes another wife, eventually, she is alone, with her children to support. While women experience many different variations in their life courses, this is a common one.

A woman's most immediate decision-making about abuse in her marriage is dictated by the basic needs of herself and her children, as well as other personal factors – reflected in the center box labeled “Basic Needs” As discussed earlier, variables include whether she has dependents, her economic status, and dependency on a partner, whether she has parents who can help her, and other factors influencing her personal identity. The role of her kinship and social networks are key in determining options, as well as support or resistance to choices she might make about her relationship. Sameena was able to go home to her parents, whereas Agnes does not have this option and said: *“When you don’t have parents and a home to go back to, where do you go back to? All you can do is be with your children and bear the humiliation and hardships of marriage.”* As another example, Sarah was encouraged by her brother to *“persist in her marriage,”* whereas Jane has been encouraged by her children to resist.

Figure 31: The Interplay of Personal and Structural Factors in Decision-making



Continuing to work outwards on the model, at the community level, the role of the LC1 is customarily central within communities as an arbiter of disputes and the DVA takes advantage of that. Yet, the same LC1 in Kyegwelede was perceived as “*helpful*” by some women, and, “*not helpful*” by others. Sophie had privileged access to him and reported that he spoke with her husband, who resumed paying school fees. She also said

that the female counselor was even “*better to talk with.*” However, for Ruth and Millie, whose situation is far more desperate with twelve, sometimes 15, children dependent on them, he dismissed them – telling them to “*go home and talk to your husband.*” This rejection of support discouraged them from pursuing any additional help.

Also at the community level, the role of NGOs, CBOs, and FBOs includes both prevention and response to domestic violence. In Kyegwelede, the work to sensitize communities and train community, religious, and cultural leaders has played a role in generating an overall understanding that women cannot be beat, and in promoting a generally supportive local council. However, the need for more training for local leaders around confidentiality, and for CBOs around referral systems, is clear. For example, early in my research I was told with some assurance by the Kyegwelede CBO that women are referred to “*legal aid*” and they get good services, “*because if they weren’t they would come back.*” My research has shown that this does not necessarily happen – women who experience failure in accessing needed support often, like Sarah, decide to move on, or like Hamida, wait until the next incident occurs that requires immediate resolution. The CBO that works in Kyegwelede is continuing to build its capacity to support women in effective ways, in part through training provided by CEDOVIP.

Returning to the model, at the national level it identifies policy and budget; accessible and equitable services; and government accountability as factors that impact women at local and individual levels. For women in Kyegwelede, and for Jane, once they have decided to report, access to justice is constrained by the lack of accessible and equitable services. This is manifest as structural and symbolic violence, which women who seek help experience. It includes the inability of legal aid to address their needs;

patriarchal attitudes that minimize abuse; and, the time and money it costs to access help. The inadequate budget received by the MGLSD, and the lack of government accountability for laws that are passed and not implemented, are in turn based within larger social, economic and political processes that characterize the political economy. Impacts at the global level also include the trends and themes within donor, women's rights movements, and transnational practices that determine what is important to fund. There is a current focus in Uganda on establishing shelters, as "one-stop" centers, however, this does not include a budget for sufficient staffing of shelters - to provide the overall technical assistance and oversight to these shelters to ensure safety and confidentiality, legal services, children's services, and other complex needs of women survivors of domestic violence. The shelter in Kampala when I visited had only a part-time lawyer and one counselor who was trying to meet all the needs of many women. In addition, the shelter was telling service providers that women could only remain there for two days, a time frame most consider too short to be helpful for women trying to sort out complex issues in their lives.

The top part of the model identifies what a woman must be willing to go through personally to seek help or report domestic violence, and the overarching structural patriarchy inherent in doing so. This includes a lack of confidentiality; humiliation, shame, blame, threats and pressure to "*persist*" in her relationship; the fear of losing custody of her children and economic security if her partner supports her; as well as loss of love, and respect. In addition, she must be able to invest the time and money the process will require. Among the findings of my research is that for some women, the need to survive, as well as to maintain social status and relationships in families and

communities, overrides the pain she might feel from domestic violence. Yet, when survival is at stake, or when children are at risk, women may forego the disciplining factors that constrain decisions to seek support and justice, although not all do.

This model presents the overall context within which women make decisions about whether to report or seek support and if so, to whom. In the next section, I present a theoretical framework relating to how policy and practice affect the ways women think about, and act, when affected by domestic violence. This also gives some insights into how it has affected those who support women, although more indirectly.

Based on my research, taking the steps to report domestic abuse to formal authorities depends on the following: the severity of the abuse; expectations about the response that service providers and duty bearers will provide; and, the level of support and/or advocacy received from one's kinship and/or social network, and possibly an outside organization. Below I consider each of these factors to explain why some women report abuse and others do not.

Severity of abuse

As discussed, a woman is most likely to report abuse under the following circumstances: 1) her own, or her children's survival (physical or economic) is severely threatened; 2) she experiences severe physical abuse (often public and someone else calls police); 3) she needs financial support (maintenance) for her children. Women who eschew outside support, as seen, may decide to "*endure*" (Millie and Ruth), resist and try to shift power dynamics (Gloria), return "*home*" (Saleema), or, possibly move into a new relationship.

Expectation about the response from duty bearers

The belief that reporting will help is a factor, particularly if the issue being reported is not “life or death.” Women who do not think they will receive support may not report even severe abuse. Millie and Ruth are examples of women who made one effort to get outside support and decided the system was not going to help them. Sarah was discouraged first in 2012 when all sources of formal help to her situation failed her. Then in 2014, both a lawyer and a counselor told her that a divorce was not the solution to her problems, and would in fact bring her more problems. She decided to not pursue her case. Many women do not believe it would be helpful to report to the police. And, when indeed, there are negative experiences, word spreads through social networks. The LC1 who believes that the legal aid provider is not providing adequate services, forestalls what he perceives would be unfair to women by not sending them there for help.

Support and advocacy

In most countries, women report abuse first within their social networks and it is unlikely that Uganda is any different. As mentioned, one goal of the SASA! intervention in Uganda is to build the capacity of women’s social networks to respond in positive ways to women’s reports of abuse.

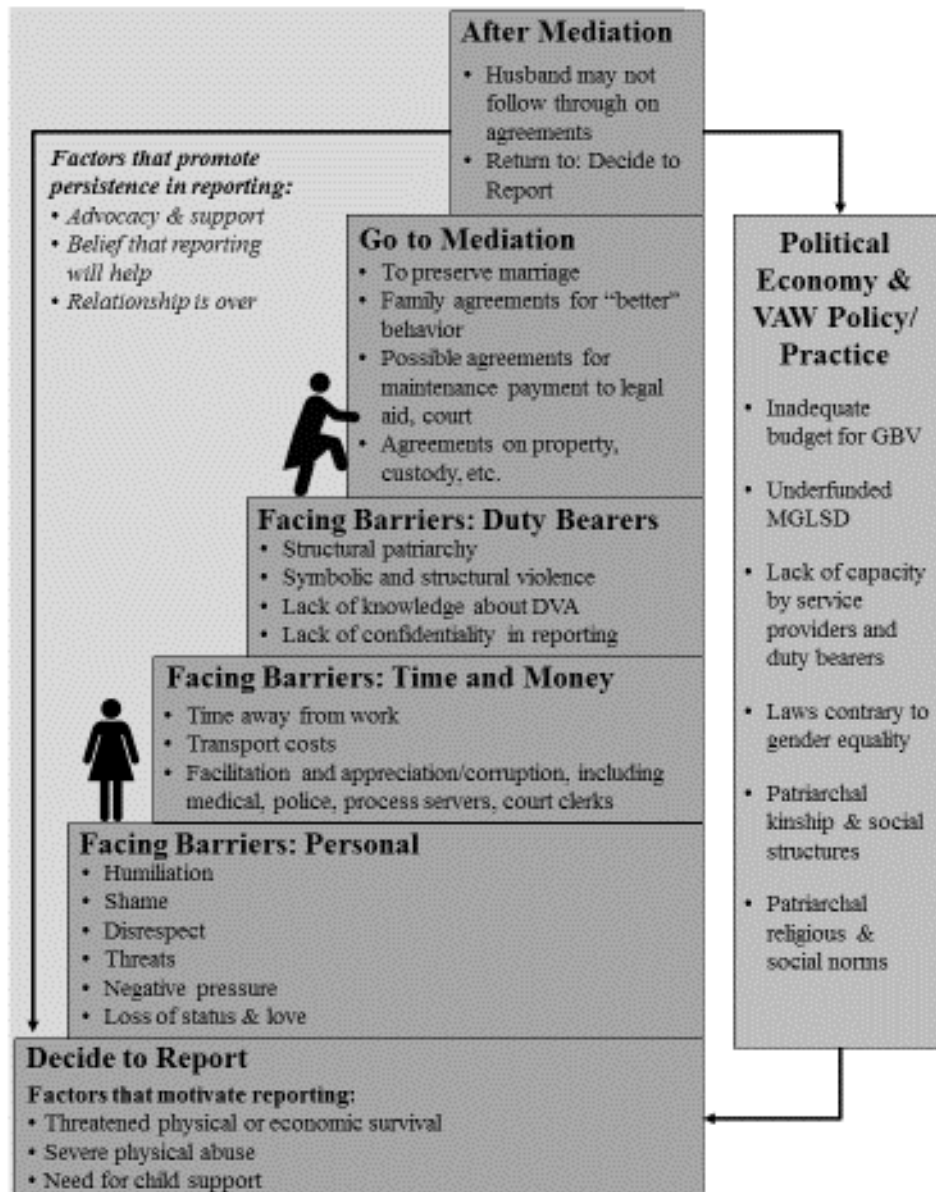
For women who do seek support or help through formal mechanisms, my research points to the role of an advocate who provides emotional, and possibly economic, support during the challenging and long process of legal recourse. While typically an advocate is a family member, advocacy and support can come from outside an immediate social network. For Rita, it was the hospital setting where she was connected to a network of

women with VVF that made a long-lasting difference for her. Later, she was able to rally her father and brother to support her at the LC1s to fight for possession of her house.

Explanatory Model

Figure 32, Why Women Do and Do Not Report, builds on the previous two models to explain why women do and do not utilize legal remedies for domestic violence, as well as to explain why, if they report, they may not follow through with a caseyyyyyy. Each step represents hurdles that women must confront in a repetitive pattern should her husband not abide by the mediated settlement. I discuss each of these steps below.

Figure 32: Why Women Do and Do Not Report



Decide to report

As already stated, a woman may be motivated to report domestic violence if her physical or economic survival is threatened; if she experiences severe physical abuse; or she has needs for child support. The first factor relates to the practicalities of survival. The second factor, severe physical abuse by a husband, is something that few Ugandans would defend. Unlike a slap, which many women said could happen in marriage, and

rarely would be something to report, no one told me, in interviews or in casual discussion, that severe physical abuse is acceptable. When a man beats a woman to the point she is physically injured her screams will often be heard by neighbors, who will either call the police themselves, or counsel the woman to call police. This is the opposite of advice for what is perceived as less serious violence. Gloria talked about how a neighbor encouraged her to go to the police when her husband was beating her – although she did not. Grace told me how her husband, who is himself abusive in some ways, called police when a neighbor was badly hurt by her husband; although in another case he tried to counsel the couple. The third factor, a man who does not support his children, is also an act of abuse that is frowned on by Ugandans. A woman always brings disrespect to her husband, and herself, by making public his abuse, but she will get some level of support for doing so if the infraction is something others sympathize with. This is why Hamida went to her husband's work place to ask him for support in front of his colleagues, although in her case it did not work.

Facing Barriers When Reporting

Personal

As explored in the discussion on Figure 28, The Interplay of Personal and Structural Factors in Decision-making, in all cases, reporting domestic violence means overcoming the factors reflected in humiliation, shame, loss of respect, negative pressure that may come from many sources, including family and social networks, community leaders, service providers, duty bearers, and others who either minimize the abuse, justify it, or simply ignore it. In addition, the man, his family, and even a woman's own family may threaten her with repercussions if she reports. For some women, the negative impacts of doing this outweigh even serious abuse.

Time and Money

Pursuing justice requires countless visits to legal aid offices, police, courts, and other relevant offices. In each setting, women typically sit in a queue and wait their turn, often spending from half a day to a full day waiting. One day I sat at a Magistrate's Court with Jane and one of her daughters from 10am until 3pm, when the magistrate summoned us and said he could not hear the case today because Jane's lawyer had not come.

Sarah said to me several times, "*Justice is for those who have money.*" Money relates to the time away from work; transport costs; facilitating and appreciating police, health workers, court clerks, and others; court filing fees; and, paying process servers. When police ask for 30,000 UGX of the 100,000 UGX paid by a husband to a woman for her pain and suffering; or court clerks request 30,000 for tasks such as finding "*lost*" files the line between facilitation and corruption is blurred. Many say that men give police money to gain favors.

Duty Bearers

Ideological and structural patriarchy, which supports male dominancy, and disciplines women's resistance to this hierarchy, is core to the cultural, social, and kinship norms within which the justice system functions. My findings support a relationship between structural patriarchy and symbolic and structural violence in Uganda, as well as the Foucauldian notion of bio-power. This pervasive patriarchal ideology enables duty bearers to favor male power, making it easy for men to strike deals with police and court clerks; to not appear when summoned; to be believed over the word of a woman; to ignore agreements reached in mediations; and to threaten women with repercussions for persisting with a case. Duty bearers inflict structural and symbolic violence on women by minimizing the value of women's time; forcing women to

humiliate themselves repetitively by not providing confidential settings for disclosure of abuse; through the imbalance of power intrinsic in mediations and settlements between an abusive husband and a woman; and, by the inequalities that affect both access and use of services.

It is structural violence when mediation produces an agreement the husband does not abide by and women must re-report and be willing to start the entire process again. It is also structural violence when police follow procedure, but then equate their work with the pain and suffering of a woman and take a third of the fine that should be hers. The advice Sarah received from the lawyer and counselor about divorce; and a police officer who suggests reconciliation when a woman has been beaten by her husband, represent an ultimate example of how duty bearers inscribe underlying structural and ideological patriarchy onto the bodies of women through structural and symbolic violence.

Go to Mediation

My analysis of the process of mediation, as an inherent first step for a woman who seeks support from her informal network, or reports formally, has been discussed. In the case of Sarah, merely requiring mediation in the face of such severe documented abuse (LC1 and police reports) and her articulation of her fear of reprisal from her husband reflects the violence perpetuated by structural patriarchy. Yet in part because it is process, and to a large degree because there is resistance by duty bearers to breaking up a marriage, mediation and attempts at reconciliation are considered preferable to other solutions.

In best-case scenarios, efforts to reach a reconciliation are successful. Rita had a good resolution “*for now*” in part due to the efforts of her father and brothers, who she was fortunate to have as advocates. Hamida initially went to court to get her husband to

provide child support. The court ordered him to bring a monthly amount to the court, where Hamida could come and collect it. The amount was small but he said it was all he could provide so the court accepted the agreement. Hamida's husband, using the provisions in the DVA, was jailed for several days until there was an agreement about the fine he would pay to Hamida. He paid it in installments, and as of my last communication related to her case, her husband has left her alone.

After Mediation

My findings show that a mediated settlement often includes having a husband pay a set amount of child support per month, typically paid to the legal aid provider, or court, where the woman goes to collect it. However, the findings also show that there is no system in place to ensure that men follow through on these agreements – it is up to the woman to come back, and report again. This means starting at the bottom of the steps and repeating the process. With additional violence inscribed on their bodies through the process, women often decide not to report again.

My analyses have shown that service providers and duty bearers both comment and complain that women report violence but then “*drop the case*,” or just don't come back to report that the abuse started again. As an example, a police officer told me about a case where police had been called after a man poured boiling water on a woman. Following procedure, the woman had a health exam and the required Police Form 3 had been completed. He sent the file to the Resident State Attorney for sanctioning and it was ready to be referred to court as a criminal case. He called to tell the woman to come discuss it. The woman told him that the family had addressed the issue and she wanted to withdraw the case. The police officer was frustrated. Hamida is another example. She

received a settlement from the court, but waited to return to say that her husband was not making the payments until her situation had become desperate again.

This model, which contextualizes women's actions within the larger political economy of policy and practice, explains this behavior.

Factors that promote persistence in reporting

The model highlights three factors that support women who do persist in reporting. The first two have been discussed, and have significant implications for policy and practice, while the third is an observation that might be meaningful within the context of additional research.

The first factor is the presence of an advocate, either an individual within a woman's social network, or within an organization that works on a woman's behalf. This might be the stimulus for seeking help/reporting in the first place; however, it is almost always a factor in a woman pursuing a case over the long term. Jane and Rita, as discussed above, are good examples.

The second is that there is a belief that reporting will be helpful. Some women's perceptions are that reporting will backfire, as Gloria said, leaving her without support. Sophie told me that going to the police for anything other than very severe abuse was a mistake because the husband will hate you. The LC1 in Kyegwelede is sympathetic to women's issues, but believes the services that exist are not helpful, saying, "*.....an ordinary person cannot afford to go through to register a case. She cannot go here and there when she has no money – someone else [the husband] will go there and bribe. We used to have these organizations like ____ – it started very strong but later it weakened.*"

The third factor is that women who are not interested in returning to their relationships will be more persistent. Jane was in this category. By contrast, both Patricia and Gladys, who experienced severe abuse but were unwilling to pursue reporting it, want to remain in their relationships.

Political Economy of VAW Policy and Practice

My findings show that the reason many women do not report less severe abuse in urban Kampala, which if addressed might dramatically improve the quality of their own and their children's lives, relates to the political economy of VAW policy and practice.

The model theorizes key variables in the political economy of VAW policy and practice in Uganda, which have been discussed:

- an inadequate budget for GBV in Uganda
- an underfunded MGLSD
- the lack of capacity by service providers and duty bearers
- customary and statutory laws contrary to gender equality
- patriarchal kinship and social structures
- patriarchal religious and social norms

Budget and Capacity

The first three points are inter-related. The overall lack of budget for GBV, discussed in Chapter 4, is reflective of a broader context where eliminating violence against women is promoted through policy, but it is not implemented in practice. Without a budget, the government relies on donors to fund programming, which includes creating awareness of the DVA and women's legal rights; developing women's agency and

empowerment; and generating educational and work opportunities for girls and women – all components of promoting women’s access to justice (see Figure 3, pg. 35).

Inadequate funding to the MGLSD makes the ministry one of the least capacitated within Uganda, while demands on it to address some of the most challenging social issues are among the highest. The inability of the Ministry to finalize a GBV action plan since the DVA was passed in 2010, through the end of 2014, is cited as the factor that has prevented a national budget allocation to implement the Act.

Inadequate funding to develop service systems and to adequately train service providers and duty bearers inscribes further violence on the bodies of women - including Jane, Sarah, and Hamida. The insufficient capacity of the legal aid provider contributed more to delays than any other actor in Jane’s case. I was surprised during the first hearing I was part of when Jane’s lawyer did not argue when the magistrate postponed hearing her case for several weeks. It later occurred to me that what appeared as indifference to the daily suffering Jane was experiencing was most likely self-preservation for the lawyer, knowing she could not return sooner because of her client load. Her lawyer also failed to file petitions in a timely manner, and often did not show up to hearings.

As an activist reported, *“The Ministry does not take GBV as a core government program. It is just like a project because donors are funding it.”*

Structural Patriarchy

The next three variables in the model are also inter-related. Customary and statutory laws that are contrary to gender equality, discussed in Chapters 4 and 5, relate to marriage, divorce, and property rights. These laws, which defend polygyny and bride price, for example, are based within patriarchal kinship and social structures and reflected

in religious and social norms. The contradiction of these laws with international conventions signed by Uganda is dismissed as unwelcome Western influence. On the other hand, Western influence is welcome as it relates to religious traditions that promote the sanctity of man as head of the household.

Additional Discussion

The explanatory models presented provide direction for theory, policy, and practice, as well as for further research. There are also implications relating to each of the multiple levels at which my research was conducted: policy, practice, and local community.

At the policy level – as already stated, there is a need for continued change in order to align all legal structures with the 1995 Constitution, as well as international human rights instruments, which articulate the equality of all persons. This is needed to attempt to address the structural patriarchy that persists within Uganda.

At the practice level – my research shows that the factors that promote reporting or seeking help appear to be a combination of factors related to physical and/or economic survival, anticipated response, and whether or not there is an outside advocate working on her behalf.

At the level of intended beneficiaries, the community level - as awareness of women's rights grows, reflected in the widespread awareness that men can be arrested for beating a woman, demands for support in addressing violations of a range of women's rights is also growing. Yet, the ability of the justice system to provide basic services, at least in Kampala, remains inadequate. And, as women have negative experiences trying to access services this information is circulated within her social network, promoting

cynicism about whether or not women's rights have improved, and supporting the advice of many "aunties" who tell women to just 'move on with your life – with or without a man.'

The role of women's informal kinship and social networks is central, as was discussed throughout the dissertation. These roles include providing direct support to women – possibly providing the necessary intervention a woman needs; as well as either supporting or resisting her choices in addressing domestic violence. Work by organizations focused on improving the response from these networks is critical in promoting the overall response to women's needs in the face of domestic violence. This is particularly important in urban Kampala, where customary sources of support – from parents, *ssengas*, and other members of a kinship and social network (even co-wives) – may have broken down as a result of changes in family, economic and other structures.

A Note of Optimism

As noted at the end of Chapter 6, it is also clear that the system is dynamic. Both international and national policy relating to violence against women has been instrumental in bringing about positive change in how women think about domestic violence, and to some extent how women in urban Kampala react to hearing about domestic violence, and at times to what they do when they experience violence. Interventions that are being implemented, such as SASA!, are showing results.

Change is incremental, and I often had to remind myself in the midst of my research that in my own lifetime the response to VAW in the US shifted from an underground system of shelters for women in the 1960s to government taking a leading role in promoting legislation, protection for women and accountability for perpetrators by

the mid-1990s. The differences however, are also stark, and these relate to the legal support for patriarchy.

In the next section of this chapter, I turn to recommendations.

Contribution to the Anthropology of GBV

This study adds to an anthropology of GBV that supports the understanding of various aspects of VAW deeply and holistically – producing theory about this very complex and intimate topic that touches the core of not just women’s lives, but also men’s and children’s. This study focused on generating knowledge about how women think about and act when confronted with domestic abuse. It supports an understanding that a woman’s decision-making is not solely about how educated, empowered, or knowledgeable she is about laws and policies that presumably protect her. She acts based on her own embodiment of her position within a larger world – including her status as a member of a family, a community, and a nation, which embraces a shifting, but still present, patriarchal ideology that she was raised in and will continue to live in. My study supports articulating these connections in ways that bring local voices to the global table. In doing so I add to the ethnographic literature that among other things supports an understanding of how and why women act in ways that often frustrate those who create and implement policy.

My study also promotes learning about new ways to conduct ethnographic research on challenging topics. While building on the work of anthropologists who have led the path towards multi-sited ethnography, engaged anthropology, and activist anthropology, each of us who takes these methods into the field blazes new trails as we balance our own privilege relative to those we work with; our human desire to help;

ethics; limits to our ability to understand as outsiders; and ultimately, our own limits to make a difference. My work has lessons not yet written, which I hope can contribute to those who will follow.

As an applied anthropologist, my study also provides theory that points to concrete recommendations for improved policy and practice. These are below.

Recommendations

My research points to many areas within policy and practice that can be improved. This includes projects that would do the following: 1) build advocacy and support; 2) improve formal as well as informal responses; and, 3) continue advocacy to address macro-level factors, especially polygyny and budget. I will focus on a recommendation for a single project that addresses the first point, and comment briefly on points 2) and 3).

Building advocacy and support

Findings support a strong role for advocacy and support as women negotiate the barriers to report, as well as inevitable encouragement from their social network and others to “*just move on.*” The inability of legal aid to handle the vast numbers of cases and to act as effective advocates makes this need even stronger. Other potential factors relating to access include those of ethnicity and language. Women who do not speak English or Luganda may not have the same access to even the LC1 in a community. It is important that advocacy services address these barriers by ensuring that staff include those who can speak relevant languages.

My own very limited efforts to provide advocacy and support for a few women gave some indications of the value. First, it provides emotional support and hope to

women who have made a decision to move forward.⁸⁰ Second, as discussed, many women do not have the financial capacity to do what is needed to report, and follow through, with a case. Third, within the context of a new law that even duty bearers do not fully understand, the role of an advocate can be to also informally educate court clerks, police, and others. Finally, the likelihood of corruption when there is a witness to it is lessened. In addition, CBOs such as Irene's, that work at the local level, could be capacitated to provide these services, also supporting ensuring that CBOs are providing good advice.

Below I outline an operational research project that I would recommend as part of implementing this recommendation.

Focusing on formal as well as informal responses

The second factor that promotes persistence in reporting is the belief that reporting will help. There are several ongoing efforts to improve the formal response system. This includes the CEDOVIP-coordinated referral network, which meets quarterly to share best practices, and to build better systems of referrals. In addition, CEDOVIP provides training for a range of duty bearers and providers. This has included police and staff of the Directorate of Public Prosecutions, as well as, LC1s and religious and cultural leaders at the community level. Raising Voices has established a Violence Against Women Learning Center that trains organizations in the SASA! approach as another effort to build the technical capacity of organizations. All of these initiatives are part of longer-term strategies to create transformative change in gender attitudes but remain underfunded. And, there is little focused attention on building both capacity, and gender-

⁸⁰ It is important to point out that women should always make their own decisions. Support in moving forward is different than trying to actively influence a woman to make a decision to do something that only she can really determine is in her best interest

sensitive expertise, of legal aid providers. Serious attention to building a response system that can meet the needs of women who are empowered to seek justice is needed.

Continued Advocacy to Address Macro-level Factors: Budget and Polygyny

Evidence suggests that structural patriarchy is an underlying driver of VAW. The women's movement in Uganda has achieved a number of successes in making structural changes related to gender equality, which have been discussed. In addition to the DVA, these include rulings by the Constitutional Court relating to sections of the Divorce Act and the Succession Act that are unconstitutional based on the 1995 constitution; the 2013 Land Policy; and, the recent Constitutional Court ruling that bride price cannot be returned. These are improvements that are to be celebrated.

At the same time, activists report that there are recommendations they have made to government repetitively that have not been acted on. These include the need to ensure an adequate budget for GBV; and to make changes in laws that are contradictory to the 1995 Constitution that provides the right to gender equality. The slowness of government to respond to issues the Constitutional Court has already ruled on contribute to a fatigue that much of the women's movement suffers from today. My research suggests that the work of the women's movement is critical to supporting changes that could ultimately dismantle structural patriarchy.

Further research

My research raises questions as well as answers. The international agenda has put a strong emphasis on prevention, with a focus on the underlying factors that promote gender inequitable social norms (Ellsberg, et al. 2015; Heise 2011). There has been far less effort to promote research relating to what works to respond to ongoing domestic

violence. There is a need for more research relating to building better responses for women currently experiencing VAW.

My research points to four areas for additional research:

- 1) a large-scale study to test models developed in my research;
- 2) a study relating to mediation methods and results;
- 3) operational research relating to advocacy and support; and,
- 3) a meta-analysis of help-seeking research studies

I address each of these briefly below.

Large scale study to test models

The local component of my research focused on a small geographic area within Kampala. To determine how well it articulates what happens in a broader area, a larger scale study should be undertaken. This can be done with a survey tool implemented door-to-door in targeted communities; and, at police stations and courts where women are reporting, to identify factors that compel women to report.

Mediation methods and results

A qualitative study about how mediation is implemented by LC1, police, legal aid providers, and courts, as well as efficacy of mediated agreements would provide needed data about the process and its results. Factors that lead to agreements that are successful, versus those that are not might support the development of a model to guide duty bearers on when mediation is appropriate and when it is not.

Advocacy and Support Model

There is considerable research, not discussed in my dissertation, which focuses on the role of social networks in various aspects of women's lives. While much of this

knowledge has been generated within the arena of family planning and reproductive health (Adams, et al. 2006; Madhavan, et al. 2003; Valente 2010), social network analysis is now being applied to understanding women's help-seeking strategies for domestic violence (Kim and Lee 2011; Sayem, et al. 2015).

As noted above, I would prioritize for research an operational research project to build advocacy and support for women in local neighborhoods in Kampala. The project would use local CBOs to provide the advocacy and support, and an organization such as CEDOVIP for technical training and support. Funding for the project would include salaries for staff and researchers, as well as allowances for women needing help with transport and telephone. It would be developed as a three to five-year project, with an intervention implemented in two neighborhoods in Kawempe Division, with two neighborhoods designated as control areas. The first year would focus on project design and in-depth training of CBOs; the second year would pilot the intervention with a process and short-term outcome evaluation. The intervention would be finalized based on evaluation results; implemented two more years; and then evaluated for impact. My hypothesis is that women being assisted directly will have better outcomes, and that other women, who access services at the same site (LC1, police, court, and legal aid), will also have better outcomes because of the capacity building aspect advocates will play for providers, as well as their clients. If the intervention shows success then it would be implemented in control communities subsequent to the first project.

Meta-analysis of existing studies around the world relating to help-seeking

As noted early in this dissertation, from 2013 to 2015 a number of studies have been published about factors of help-seeking and reporting in response to domestic

violence in countries outside the global North. A meta-analysis of these studies, both to understand study methods and to compare results, would be useful in setting further research agendas in Uganda and elsewhere.

Appendix I: Policy Dialogues, Meetings & Trainings Attended

| ID | Date | Event | Sponsor/Org | Location | Timing |
|------------------------------|-----------|---|------------------------------------|-------------------------------|----------------|
| Community Activity | | | | | |
| CA_1 | 26-Nov-13 | Ludu game community dialogue | CEDOVIP | Wabiggalo (Kampala) | 2:00 to 3:30pm |
| CA_2 | 4-Jun-14 | Community dialogue | CEDOVIP | Kisalosalo | 3pm |
| Community Meeting | | | | | |
| CM_1 | 7-Aug-13 | local community check ins | CEDOVIP | Busoga region - 2 communities | Full day |
| CM_2 | 11-Nov-13 | Meeting of stakeholders for Ndeeba community | CEDOVIP | Kawempe, Kampala | full day |
| CM_3 | 12-Nov-13 | Meeting of stakeholders for Nsambya community | CEDOVIP | Kawempe, Kampala | full day |
| CM_4 | 31-Jan-14 | strategic planning for CBO | CBO | Kyegwelede | 3:00-6pm |
| CM_5 | 28-Feb-14 | bi-monthly meeting | CBO | Kyegwelede | 4:00-6pm |
| CM_6 | 12-Jul-14 | Property rights and DV | Kamokya Christian Caring Community | Kyebando | full day |
| CM_7 | 14-Aug-14 | Community sensitization | CEDOVIP and CBO | Kyegwelede | 2 hours |
| Civil Society Meeting | | | | | |
| CSM_1 | 24-Oct-13 | Research launch | CEDOVIP | Fairway Hotel | 9am-1:00pm |
| CSM_2 | 4-Nov-13 | 16 days of activism CSO Coalition Meeting | UWONET | UWONET Secretariat | 3:00pm |
| CSM_3 | 3-Mar-14 | CBO | CBOs | small hotel in Kyebando | full day |
| | | Resilience Training | | | |
| CSM_4 | 5-Mar-14 | NGO Leader's Meeting | NGO Forum | Africana Hotel | |
| CSM_5 | 18-Jul-14 | DV Coalition meeting | CEDOVIP | | full day |
| CSM_6 | | Referral Network meeting | CEDOVIP | CEDOVIP offices | Half day |

| ID | Date | Event | Sponsor/Org | Location | Timing |
|---|-----------|--|--|---|---------------------------------|
| Faith-based organization meeting | | | | | |
| FBM_1 | 30-Aug-14 | Mother's Union Buganda Peace in the Home conference | Church of Uganda, Mother's Union, Buganda Diocese | King's College, Budo | full day (attended 1 of 3 days) |
| Policy-related meeting | | | | | |
| PM_1 | 1-Nov-13 | Validation meeting for Making a Difference Report | ISIS-WCCE | Imperial Royale Hotel | 9am-4pm |
| PM_2 | 5-Nov-13 | Women's movement meeting | National Association of Women Organisations in Uganda(NAWOU) | FOWODE | 2:30pm |
| PM_3 | 8-Nov-13 | Dissemination workshop for national GBV Referral pathway | MGLSD | Esella Hotel | full day |
| PM_4 | 25-Nov-13 | Launch of 16 days | MGLSD | Grand Imperial Hotel, Kampala | 9am - 3pm |
| PM_5 | 27-Nov-13 | High level GBV Reference Group | MGLSD | MGLSD conference room | 10am |
| PM_6 | 27-Nov-13 | Policy dialogue | PLAN Uganda | Golf Course Hotel | full day |
| PM_7 | 28-Nov-13 | Press conference- PEP | CEDOVIP | CEDOVIP offices | 2 hours |
| PM_8 | 29-Nov-13 | Breakfast dialogue - Access to Justice | CARE, Inter-religious council of Uganda, ACCORD | Imperial Royale Hotel | 7:30am-11am |
| PM_9 | 5-Dec-13 | Parliament | DV Coalition | Parliament | |
| PM_10 | 6-Dec-13 | Breakfast dialogue on GBV with MPs | MGLSD, World Vision | Hotel | Half day |
| PM_11 | 9-Dec-13 | CEDAW National Level Strategic Meeting | Uganda Women's Network (UWONET) | Golf Course Hotel | 7:30am - 10am |
| PM_12 | 13-Dec-13 | Women, Peace and Security Conference | CEWIGO, DGF, ICCO, CARE | Imperial Royale Hotel | 8:30-5:30 |
| PM_13 | 13-Jan-14 | CSBAG budget forum meeting | CSBAG | FOWODE/CSBAG offices | 2pm |
| PM_14 | 23-Jan-14 | Gender and Rights Thematic Working Group Meeting | MGLSD | Grand Global Hotel | all day |
| PM_15 | 31-Jan-14 | pre-CSW planning meeting at MGLSD | UN Women/MGLSD | MGLSD 3rd floor - started in Commissioner's office and ended in Director's office | 11:30am to 1pm |

| ID | Date | Event | Sponsor/Org | Location | Timing |
|-----------|--------------|---|---|--------------------------|-----------------|
| PM_16 | 6-7 Feb-14 | Pre-CSW meeting in Addis Ababa | UN Women | Addis Adaba | |
| PM_17 | 4-Feb-14 | Strengthening policy implementation and capacity, particularly in the health sector on violence against womne in Uganda | WHO, Ministry of Health | Africana Hotel | full day |
| PM_18 | 18-Mar-14 | Buganda Women's Convention | Kingdom of Buganda | Pope Paul Memorial Hotel | |
| PM_19 | 27-Mar-14 | Stakeholders' Consultative Meeting for Presentation of the UN Women Country Draft Strategy on EVAW/G | UN Women | Protea Hotel | 9am-2pm |
| PM_20 | 28-Mar-14 | 3rd Women's Think Tank Meeting | UWONET, FOWODE, NAWOU | Africana Hotel | 9am-3pm |
| PM_21 | 19-May-14 | Workshop on DVA | CEDOVIP/UWOPA | Hotel | full day |
| PM_22 | 29-May-14 | MGLSD sub-theme reference group Advocacy | MGLSD | MGLSD | 2 hours |
| PM_23 | 16-Jul-14 | Uganda Police Force – march through Kampala and end with program – speeches, cultural entertainment | CEDOVIP and police | Kampala | Most of the day |
| PM_24 | 23-Jul-14 | Women and Power conference | FOWODE | Africana Hotel | full day |
| PM_25 | 11-12 Aug-14 | Preventing Intimate Partner Violence in Uganda, Kenya, and Tanzania: | A Joint Workshop of the Uganda National Academy of Sciences and the U.S Institute of Medicine | Sheraton Kampala Hotel | 2 - days |
| PM_26 | 13-Aug-14 | MGLSD Busoga Review | MGLSD | Fairway Hotel | Full day |
| PM_27 | 19-Aug-14 | DVA coalition meeting w Speaker | DV Coalition | Parliament | Half day |
| PM_28 | 19-Sep-14 | CEDAW conference - Parliament | PLAN Uganda & UWOPA | Munyonyo | Full day |
| PM_29 | 24-Sep-14 | High level GBV Reference Group | MGLSD | MGLSD | Half day |

| ID | Date | Event | Sponsor/Org | Location | Timing |
|-----------------|--------------|--|--------------------|-----------------------------|-----------------------------|
| PM_30 | 2-5 Dec-14 | Annual Retreat: UN Joint Programme For Gender Equality | UN Women | Imperial Golf Hotel Entebbe | 3 days |
| Training | | | | | |
| T_1 | 16-Nov-13 | Training of journalists | CEDOVIP | Nobb View Hotel | 9am-3pm |
| T_2 | 2-5 Dec-13 | Training for Magistrates | CEDOVIP | Dolphin Suites Hotel | 2 of 3 days |
| T_3 | 4-Dec-13 | Training of Trainers Uganda Police Force | CEDOVIP | Unik Hotel | 8:30am-5pm |
| T_4 | 9-Dec-13 | Clerk of Courts training | CEDOVIP | Judicial Studies Institute | Attended 1 of 3 days |
| T_5 | 10-12 Dec-13 | Referral points training | CEDOVIP | Nobb View Hotel | 2 of 3 days |
| T_6 | 10-Apr-14 | Training for LC1s Kawempe | CEDOVIP | Bwaise Community Center | Attended half day of 3 days |
| T_7 | 13-May-14 | Training for religious leaders Kawempe | CEDOVIP | Bwaise Community Center | Attended half day of 3 days |
| T_8 | 11-12 Dec-14 | Training for judicial officers | CEDOVIP | Hotel | Parts of 2 days |

Appendix II: Interview Guides

Policy Actors/Practitioners Interview Guide

Each interview started with a brief introduction of the project and request for consent, for tape recording the session, and for pictures, if applicable. All of these are covered in the consent form.

1. Can you tell me about your work relating to VAW – for this organization but also prior to your employment here?
2. What was/is your role in terms of developing and/or implementing the Domestic Violence Act?
3. What do you think women would say are their most pressing issues in terms of their relationships with their partners or husbands?
4. In your own opinion, what do you think are the most pressing issues for women?
5. How would you prioritize needs in terms of addressing VAW?
 - Ensuring a policy and legal framework
 - Survivor services (including post-rape care, shelter, advocacy, health, counseling and justice)
 - Initiatives to ensure women’s economic security (including access, ownership, and control of resources)
 - Training for service providers duty bearers, cultural and religious leaders, media & others
 - Women’s and girls’ empowerment
 - Male engagement to eliminate patriarchal norms
 - Community awareness, outreach and mobilization
 - Mass media campaigns & reflexive small group discussion of key themes
 - Work with religious leaders and institutions to promote gender equality
 - Engagement of diverse women in development & implementation of policy and practice
6. In your opinion, on a scale of 0 to 10, how important is this Act in Uganda? 0 should represent “not important at all” and 10 should represent “extremely important.”
7. What do you think has been achieved by the Act to date?
 - What changes do you think have happened at the community level?
 - i. How have attitudes about domestic violence changed?
 - ii. Are there changes in behavior you can talk about?
 - At the relationship level?

8. How have you changed your own attitudes and beliefs as a result of your work on this issue?
9. Thinking about 5 years from now – what changes would you hope the DV Act might achieve – at the community level and at the relationship level?
 - Probes:
 - What changes in attitudes?
 - What changes in behavior?
10. What is being done to implement the Act that you are aware of?
 - What is the role of your office/agency/organization in implementing the Act?
 - What do you think is going well?
 - What are the challenges?
 - What would you wish would be different?
11. Are you optimistic that you will see these changes?
12. On a scale of 0 to 10, how much impact do you think the Domestic Violence Act will have on reducing domestic violence in Uganda? 0 should represent no impact and 10 should represent a lot of impact.
13. What do you believe causes violence against women?
14. I want to ask you to imagine a time in the future when there is no violence against women – there is no rape and men don't beat their wives. What do you think happened make this happen?
15. Is there anything else you would like to share with me?

Thank you!!

Community Individual Interview Guide

Part I: Demographic Information

ID#: _____

Contact information:

Language of interview:

Interpreter/RA:

1. Full name (this is the only place name and contact information will appear):
2. Division (living now):
3. Parish (living now):
4. Zone/Ward (living now):
5. How long have you lived in this community?
6. How long have you lived in this area?
7. Where is your home district/village?
8. Is your “home” village your father’s or mother’s? 1=father 2=mother
9. Where is your mother’s [or father’s] home district/village?
10. When did you leave your home village?
11. Why did you leave? 1=marriage 2=school 3=unpaid work for family
4=employment 5=war/conflict 6=other _____
12. How often do you visit?
13. What is your ethnic group?
14. How old are you? ____ If unknown what category:
a. 18-24 years; 25-30; 31-35; 36-45; 46-55; 55+
15. What is your religion?
16. What is the highest level of school you attended?
17. How do you provide for your own and your family’s needs (i.e. by income generation, farming, etc.)?
18. Approximately how much money do you make in a month?
19. Do you own any land or property that is in your name?
20. What productive assets (i.e. livestock, sewing machine, etc.) do you own that are in your own name?
21. Do you have cash savings?

Marital Status

22. What is your marital status now? ____, __Single __Cohabiting (*living as if married*)
__Married __Separated __Divorced __Widowed
23. If married: How did you formalize your marriage? __kukyala only (meeting); __bride price partially paid; __Bride price (Kwanjula); __church/mosque; __bride

- price/mahari + church/mosque ceremony; __court marriage only (civil);__family doesn't want bride price – explain__; other _____.
24. How many relationships have you had before this one where you were married or living as if you were married?
25. If married before: How did you formalize your prior marriage? (same options as above)

Children:

26. How many biological children do you have living?
27. What are their sexes?
28. How many children are you raising that are your husbands from other women:
29. How many biological children did you have that are deceased?
30. Are any of your children twins? [confers status on mother]
31. What is the age range of your children?

Current Husband/Partner (if single, ask about most recent partner):

32. How many years have you been living together? (if single now, indicate what years she lived with the man the responses below relate to)
33. Is your husband/partner the same or different tribe/ethnic group as you? If different: What tribe/ethnic group is your husband?
34. How old is your husband? If unknown, what category: 18-24 years; 25-30; 31-35; 36-45; 46-55; 55+
35. What is your husband/partner's religion?
36. What is the highest level of school your husband attended?
37. How does your husband provide for the family's needs (i.e. by income generation, farming, and so on)?
38. Approximately how much money does your husband make in a month?
39. Does your husband own any property or land?
40. What productive assets (i.e. livestock, machinery, etc) does your husband own that either he or you use? Is your name on the title to the property or land that your husband owns?
41. How many women does your husband live with – either as married or as if married?
42. If your husband has other wives/women he lives with, did that/those relationship(s) start before or after you were living together?

Part II: Community Semi-structured with Life Story Questions

ID#_____

I have some questions I hope we can discuss. Again, if you don't want to talk about any of these issues you can just say so; or, if you want to stop the interview for any reason that is also okay.

1. I have heard it is important that a woman gives birth to a son. Why is that?
- a. Is the norm changing today or is it the same?

- b. What is your own opinion about this “norm”?
 - c. What happens to women who only give birth to girls?
- 2. In your family, what is your role in terms of providing for the family’s welfare?
- 3. What is your husband’s role? Probes: financial; household; decision-making (in house versus out of the home)
- 4. If not already mentioned - in your family, who is considered the head of the household?
 - a. If husband: What does that mean in terms of your role and how you and the children act around him?
 - b. If the woman: What does that mean in terms of your role and how your husband and your children act around you?
- 5. [Gender roles] Do you kneel? If yes:
 - a. In what circumstances?
 - b. Do you kneel for visitors? Others?
 - c. What does the act of kneeling mean to you?
 - d. Does your husband ever kneel to you?
- 6. Many people say that it is important for a husband and wife to respect each other. Would you agree with that?
 - a. If yes, what does it mean for a husband to “respect” his wife?
 - b. What does it mean for a husband NOT to respect his wife?
 - c. What does it mean for a wife to “respect” her husband?
 - d. What does it mean for a husband NOT to respect her husband?
- 7. If you don’t mind sharing, in your relationship, what does your husband do to show respect to you?
- 8. What do you do to show your husband respect?
- 9. What does your religion tell you about the roles of men and women in the family?
- 10. Do you think men have the right to punish their wives? If yes:
 - a. Can you give examples of what women might do to deserve punishment?
 - b. What do you think the punishment should be?
- 11. What if you have asked your husband to do something and he doesn’t do it? What do you do?
- 12. How much of your family budget is provided by you and how much by your husband, or others?
- 13. How much of your husband’s income does he share with you?
- 14. If your husband wanted to buy something significant, maybe a piece of furniture, or a piece of land – would he consult you? And if you were going to buy something significant, would you consult your husband? If no, on either – why not?
- 15. What is your understanding of women’s rights in terms of inheriting land – either from a father or a deceased husband?

16. If you have daughters, will they inherit land/property from either their father or from you?
17. If you had a choice, would you prefer that your husband works and gives you money for what you need for the household and the children OR would you prefer to work and earn your own money for these things?
 - a. Why?
 - b. Is this different than for your mother or grandmother?
18. Are you aware of any laws that protect women?
 - a. If yes: What are they?
 - b. What can this/these law(s) do for women?
19. Have you attended any meetings or been part of any group that has talked about any of these laws?
20. Have you ever heard about the Domestic Violence Act? If not, provide a brief explanation of the law.
21. What about the Land Act? [other relevant laws?]
22. If relevant: What is being done to implement the DV Act that you are aware of?
 - a. What do you think is going well?
 - b. What are the challenges?
 - c. What would you wish would be different?

Part III: Community Semi-structured with Life Story Questions

ID#_____

I want to ask some questions about violence against women. You don't have to share any of your personal situation with me but if you are comfortable doing so it is fine. Again, if there are any questions you don't want to answer that is okay; or, if you want to stop the interview at any time that is also okay.

1. What kinds of violence against women happen in this community?
2. I wonder if you can tell me which of these types of abuse are expected in marriage?
 - Slap
 - Push or Shove
 - Physical violence more than slap/push (punch for example)
 - Severe physical abuse – need medical care
 - Choking (puts hands on neck)
 - Uses weapon – e.g. knife or panga
 - Forced sex
 - Infidelity
 - Throw out of house without children
 - Abandon wife and children
 - Abandon wife and take children
 - Deny access to treatment and care, HIV testing
 - Emotional/verbal abuse

- Other psychological torture/[local term]
- Isolate or stigmatize
- Take wife's inheritance
- Prevent or interfere with income generation
- Deny support for children

Some other things (if time/appropriate):

- Is he jealous or angry if you talk/talked to other men
 - Frequently accuses/accused you of being unfaithful?
 - He (tries/tried) to limit your contact with your friends or family?
 - He (insists/insisted) on knowing where you (are/were) at all times?
 - Controls your income-producing activities.
 - Controls your income.
 - Has your husband, or a co-wife/girlfriend of your husband, ever used witchcraft to harm you, your business, or your children? Can you explain:
 - Have you ever used witchcraft to protect your relationship? Explain:
3. I have heard from some women that if a man provides for his family, and treats his wife with respect, an occasional slap can be overlooked. Do you agree with that? If yes, why? If no, why not?

Questions to understand reporting:

4. What do you think the options are for women to get help for domestic abuse?

Probes – can mention the following “what is the role of ____”:

- LC1
- Female LC3
- police
- Courts of law
- Man's family
- Woman's family
- Medical help
- Friend
- Ssenga
- Religious leaders
- Cultural leaders
- Clan leader
- Civil society organizations
- Others

5. If you were in a situation where you needed help, which of these would you go to?

6. What would you expect in terms of help?

7. What does a woman do if she is raped or forced to have sex?
 - a. By a stranger?
 - b. By someone she knows [other than husband, i.e. brother-in-law, etc]?
 - c. What if a husband forces his wife to have sex with him?
 - d. What if a husband forces his wife to have sex with someone else?
8. What do you believe causes violence against women?
9. What kinds of things do you hear or read about violence against women in the media (TV, radio, billboards, etc.)?
 - a. What are the messages you hear/read?
 - b. Where do you hear/read these messages?
 - c. How have the messages made you feel? Have they changed anything you think about in terms of VAW?
 - d. Have the messages you have heard/read resulted in any specific action – for yourself or friend or family member?
10. What is one thing that you think has improved for women during your lifetime – from your mother's / grandmother's (depending on age) time?
11. Is there anything else you would like to share?
12. Do you have any questions for me?

THANK YOU!

Appendix III: Women Interviewed (20)

| | Pseu- donym | Age | Ethnic grp | Religion | # ch' re n | Ch'r en by othe r man ? | Educ atio n | Marriage Status | Home district | Yrs Kam pala | Yrs Kye gw ele de | Why left home | Husband provides ? | Income production |
|---|----------------|-----|------------|-----------------------|---------------------|---|-------------------|--|------------------|--------------------|-------------------------------|--------------------|---|---|
| 1 | Ruth | 30s | Musoga | Protestant | 4 | N | none | cohabiting | Iganga | 6 | 2 | employ- ment | No | casual labor community |
| 2 | Agnes | 28 | Mukiga | Catholic | 2 | N | P 6 | cohabiting | Wakiso | 3 | 2 | marriage | Yes | not at time interview, later was selling clothes |
| 3 | Sophie | 41 | Mufumbira | 7th Day Protestant | 8 | Y | S 5 | kukyala (formal visit) cohabiting | Kisoro | born | 10 | Born in Kampala | most of time but needs to support other children | not at time interview |
| 4 | Halima | 23 | Muganda | Muslim | 3 | N | S 2 | cohabiting | Buikwe | 10 | 5 | marriage | when he works | sells soap |
| 5 | Millie | 37 | Acholi | Catholic | 6 | N | P 7 | partial bride price, cohabiting | Gulu | 15 | 15 | conflict/ war | No | domestic labor |

| | Pseu- donym | Age | Ethnic grp | Religion | # ch' re n | Ch'r en by othe r man ? | Educ atio n | Marriage Status | Home district | Yrs Kam pala | Yrs Kye gw ele de | Why left home | Husband provides ? | Income production |
|----|----------------|-----|------------|-------------------------|---------------------|---|-------------------|---|------------------|--------------------|-------------------------------|--|--|---|
| 6 | Sylvia | 41 | Samia | Catholic | 6 | Y | S 2 | bride price paid married | Busia | 13 | 13 | marriage | Y - but he shares "5%" | shop, samossa |
| 7 | Mary | 23 | Muganda | Catholic | 1 | N | S 4 | cohabiting | Mpigi | 4 | 4 | school | Yes | makes paper for food sales |
| 8 | Linda | 18 | Mutoro | Pentecost Protestant | 1 | N | S3 | cohabiting | Kyekyej o | 4 | 4 | First employ- ment, then for man | Yes | not at time interview, later house work |
| 9 | Cecilia | 34 | Acholi | Catholic | 5 | N | P4 | cohabiting | Kitgum | 20 | 20 | war/ conflict | Yes and she suppleme nts | plaits hair |
| 10 | Evelyn | 26 | Alur | Catholic | 1 | Y | S4 | kukyala (formal visit), cohabiting | Nebbi | 5 | 4 | Employ- ment | leaves 6,000 to 8,000 UGX/day | not at time interview |

| | Pseu- donym | Age | Ethnic grp | Religion | # ch' re n | Ch'r en by othe r man ? | Educ atio n | Marriage Status | Home district | Yrs Kam pala | Yrs Kye gw ele de | Why left home | Husband provides ? | Income production |
|----|----------------|-----|----------------|-------------------------|---------------------|---|-------------------|--------------------------------------|------------------|--------------------|-------------------------------|--|---|--|
| 11 | Grace | 30 | Alur | Protestant | 2 | N | S3 | partial bride price cohabiting | Nebbi | 4 | 4 | husband job | Yes | makes things from sim sim. Used to have bigger business but stopped because he objected. |
| 12 | Jane | 56 | Muganda | Pentecost Protestant | 7 | Y | P2 | bride price paid married | Rukungi ri | N/A | N/A | marriage | No | Farming, pigs |
| 13 | Harriet | 32 | Muganda | Protestant Pentecost | 4 | N | S2 | cohabiting | Kampal a | 10 | 10 | mother died so seeking employ ment | Yes 10,000 - 20,000 day; school fees, rent | not at time of interview not since having children |
| 14 | Patricia | 34 | Munyankol e | Protestant Pentecost | 3 | N | BA | bride price paid married | Bushen yi | | 14 | educatio n | Yes | makes and sells knit goods |
| 15 | Saleema | 35 | Kakwa | Muslim | 4 | N | S2 | partial bride price cohabiting | Koboko | 10 | 10 | Educa- tion | Not last 3 years | sewing, airtime |

| | Pseu- donym | Age | Ethnic grp | Religion | # ch' re n | Ch'r en by othe r man ? | Educ atio n | Marriage Status | Home district | Yrs Kam pala | Yrs Kye gw ele de | Why left home | Husband provides ? | Income production |
|----|----------------|-----|------------|------------------------|---------------------|---|--|------------------------------|------------------|--------------------|-------------------------------|---|-------------------------------|--------------------------|
| 16 | Gloria | 24 | Alur | Protestant | 2 | Y | S1, cerfit icate cateri ng | cohabiting | Nebbi | 8 | 8 | thought educa- tion but put to work | Some- times | selling vegetables |
| 17 | Rita | 42 | Muganda | Catholic | 3 | N/A | none | separated, was married | Masaka | 20 | 20 | given for early marriage | Hu did not when married | bottle store |
| 18 | Irene | 38 | Muganda | Muslim | 3 | 3 | S 6 | widow; was cohabiting | Masaka | born | 19 | marriage | Hu did not when married | community organizer |
| 19 | Sarah | 45 | Muhororo | Anglican Protestant | 3 | N | BA +grad | Church married | Rukungi ri | 23 | 23 | educatio n | No | teacher |
| 20 | Hamida | 30 | Muganda | Muslim | 5 | Y | P2 | Mosque married | Kampal a | born | 30 | marriage | No | fish and other things |

Appendix IV: Consent Forms

Community Individual Interview Consent

Explanation of Study – Community Individual Interview Study Title: Women and Health: Policy and Practice

Introduction: You are being asked to be part of a research study. If you agree, you will be asked to share your opinions about violence against women, laws about violence against women, and what kinds of things you think would help reduce violence against women. You have been selected because you seem like someone who will share your opinions with us honestly OR because someone suggested we talk with you because you will share your opinions with us honestly. This form explains the study. We ask that you read this form or have the study staff person read it to you. Then you may ask any questions you have before agreeing to be in the study.

Background Information: This study is being conducted by Diane Gardsbane, a student at the University of Maryland, in the USA. She is working in collaboration with Paul Bukuluki, Lecturer at Makerere University. The study is concerned with how laws, prevention messages, and services addressing violence against women are developed and implemented. We are particularly interested in learning about ways that different people have been able to influence how these laws, services, and messages have been developed; whether people have benefited from these laws, services, and messages; and in what ways they have benefited. The purpose of the study is to learn how governments, donors, and civil society might improve the way they develop and implement these policies and services.

What you would be asked to do:

If you agree to participate in the study, you will be asked to do the following things:

- We would interview you for 45 minutes to an hour. We will ask some questions, but you do not have to answer all the questions – you can say that you don't want to ask specific questions. You will not be pressured to answer questions, and there will not be any negative consequences if you don't answer all the questions.
- We would ask you questions about your opinions about violence against women; your exposure to messages, services and laws about violence against women; and your opinions about these. For example we would ask your opinion about:
 - What kinds of violence against women happen in this community?
 - What does a woman do if her partner/husband is abusing her?

We will interview you in a private place. This can be at your home, your work place, or in another place we agree on. Community leaders know that this is a study about policies and services that affect women's health.

If you agree, we would like to audio-record the interview. This recording is only for the purpose of ensuring that what you say is recorded accurately. When we write the notes from the recording, we will not use your name or include any other information that would identify you. Once the notes are complete the audio recording will be destroyed.

Risks and Benefits to Being in the Study:

We will be asking you questions that deal with violence against women. You may feel uncomfortable talking about some of these topics. However, we do not wish this to happen and we will do all we can to make you feel comfortable. As we said earlier, you do not have to answer all the questions we ask – and you can stop the interview process at any time you want.

You will not benefit from this study yourself, although you might enjoy the opportunity to share your opinion about these topics. The study will inform the work of policy makers and practitioners in Uganda and other countries.

We can also provide you with information about the Domestic Violence Act and services for domestic violence if you are interested.

You will not be paid for participating in this study. However, we will pay for any costs for transportation for you to participate. We will also provide some light refreshments to you during the interview(s).

Confidentiality:

The records from the interview with you will be kept private. Your name will not be included anywhere and no one will be able to identify you from anything we write. Our records with your name will be kept in a locked file that only the primary investigator will have access to. We will assign a number to any of the information kept in files that others researchers can see. Any information we use in what we write will use a name we make up, unless we specifically ask you for permission to use your name.

If you sign this consent form, it will be kept for three years. After that it will be destroyed.

Voluntary Participation:

Your participation is voluntary. You can stop participating at any time and there will be no negative consequences if you decide to stop.

[please see accompanying signed consent form next page]

Statement of Consent for Participation in a Research Study: Women's Health Policy and Practice in Uganda

I have been informed about the nature of this research study, the risks and benefits of my participation, and I understand that I can stop participating at any time. My questions have been answered. I consent to participate in this research. I am at least 18 years of age.

Please circle your response: I AGREE / DO NOT AGREE to have the interview audio-recorded.

If applicable, please circle your response:

I AGREE / DO NOT AGREE that my photo can be used as part of this research project.

If my picture is used, I AGREE / DO NOT AGREE that my name or other identifying information, such as where I live, can be used.

I have been provided with a copy of this consent form for my records.

Print Name of Participant:.....

Signature (or finger print) of Participant

Date (DD/MM/YY).....

For Illiterate Participants:

Print Name of Witness for participant.....

Signature of Witness for participant.....Date.....

Print Name of Interviewer.....

Signature of Interviewer Date

Contacts and Questions:

The main researcher for this study is Diane Gardsbane. You may ask her any questions you have now, or you may contact her, or Paul Bukuluki, who is collaborating with her, at any time. You may also contact an independent source of information. Contact information is provided below.

Diane Gardsbane, PhD Candidate, University of Maryland, USA.

In Kampala, Uganda: Mobile: +256 793 441 653 or +256 784 950 728; Email: dgardsbane@gmail.com.

Paul Bukuluki, PhD, Senior Lecturer, School of Social Sciences, Makerere University, P.O. Box 7062, Kampala, Uganda.

Physical address: Department of Social Work and Social Administration, School of Social Sciences Building, Makerere University, Main Campus. Tel: Office: +256 414 534 114; Mobile: 0772 462 100; Email: pbukuluki@gmail.com.

Or, you may contact the **Chairperson, School of Health Sciences Institutional Review Board (MakSHS-IRB)** or **Uganda National Council of Sciences and Technology**. Tel: (+256) 0200903786 / (+256) 772-404970 or (+256) 41-250431.

Community Individual Interview Consent Form

Explanation of Study – Community Individuals Life Story Interviews

Study Title: Policy and Practice Affecting Women's Health

Introduction: You are being asked to be part of a research study. If you agree, you will be asked to share your opinions about violence against women, laws about violence against women, and what kinds of things you think would help reduce violence against women. You have been selected because you seem like someone who will share your opinions with us honestly OR because someone suggested we talk with you because you will share your opinions with us honestly. This form explains the study. We ask that you read this form or have the study staff person read it to you. Then you may ask any questions you have before agreeing to be in the study.

Background Information: This study is being conducted by Diane Gardsbane, a student at the University of Maryland, in the USA. She is working in collaboration with Paul Bukuluki, Lecturer at Makerere University. The study is concerned with how laws, prevention messages, and services addressing violence against women are developed and implemented. We are particularly interested in learning about ways that different people have been able to influence how these laws, services, and messages have been developed; whether people have benefited from these laws, services, and messages; and in what ways they have benefited. The purpose of the study is to learn how governments, donors, and civil society might improve the way they develop and implement these policies and services.

What you would be asked to do:

If you agree to participate in the study, you will be asked to do the following things:

- We would set up two interviews with you for about an hour and half each. We will ask some questions, but you do not have to answer all the questions – you can say that you don't want to ask specific questions. You will not be pressured to answer questions, and there will not be any negative consequences if you don't answer all the questions.
- We would ask you questions about your life history, including your values and thoughts about your role as a man or woman; your opinions about and experiences with violence against women; your exposure to messages, services and laws about violence against women; and your opinions about what is needed to address violence against women. For example, we might ask you:
 - Who was the most important female figure in your life?
 - Do you remember how old you were when you had your first experience with GBV, either within your family, extended family, yourself, friends, or through the media?

We will interview you in a private place. This can be at your home, your work place, or in another place we agree on. Community leaders know that this is a study about policies and services that affect women's health.

If you agree, we would like to audio-record the interview. This recording is only for the purpose of ensuring that what you say is recorded accurately. When we write the notes from the recording, we will not use your name or include any other information that would identify you. Once the notes are complete the audio recording will be destroyed.

Risks and Benefits to Being in the Study:

We will be asking you questions that deal with violence against women. You may feel uncomfortable talking about some of these topics. However, we do not wish this to happen and we will do all we can to make you feel comfortable. As we said earlier, you do not have to answer all the questions we ask – and you can stop the interview process at any time you want.

You will not benefit from this study yourself, although you might enjoy the opportunity to share your opinion about these topics. The study will inform the work of policy makers and practitioners in Uganda and other countries.

We can also provide you with information about the Domestic Violence Act and services for domestic violence if you are interested.

You will not be paid for participating in this study. However, we will pay for any costs for transportation for you to participate. We will also provide some light refreshments to you during the interview(s).

Confidentiality:

The records from the interview with you will be kept private. Your name will not be included anywhere and no one will be able to identify you from anything we write. Our records with your name will be kept in a locked file that only the primary investigator will have access to. We will assign a number to any of the information kept in files that others researchers can see. Any information we use in what we write will use a name we make up, unless we specifically ask you for permission to use your name.

If you sign this consent form, it will be kept for three years. After that it will be destroyed.

Voluntary Participation:

Your participation is voluntary. You can stop participating at any time and there will be no negative consequences if you decide to stop.

[please see accompanying signed consent form next page]

Statement of Consent for Participation in a Research Study: Women's Health Policy and Practice in Uganda

I have been informed about the nature of this research study, the risks and benefits of my participation, and I understand that I can stop participating at any time. My questions have been answered. I consent to participate in this research. I am at least 18 years of age.

Please circle your response: I AGREE / DO NOT AGREE to have the interview audio-recorded.

If applicable, please circle your response:

I AGREE / DO NOT AGREE that my photo can be used as part of this research project.

If my picture is used, I AGREE / DO NOT AGREE that my name or other identifying information, such as where I live, can be used.

I have been provided with a copy of this consent form for my records.

Print Name of Participant:.....

Signature (or finger print) of Participant

Date (DD/MM/YY).....

For Illiterate Participants:

Print Name of Witness for participant.....

Signature of Witness for participant.....Date

Print Name of Interviewer.....

Signature of Interviewer Date

Contacts and Questions:

The main researcher for this study is Diane Gardsbane. You may ask her any questions you have now, or you may contact her, or Paul Bukuluki, who is collaborating with her, at any time. You may also contact an independent source of information. Contact information is provided below.

Diane Gardsbane, PhD Candidate, University of Maryland, USA.

In Kampala, Uganda: Mobile: +256 793 441 653 or +256 784 950 728; Email:

dgardsbane@gmail.com.

Paul Bukuluki, PhD, Senior Lecturer, School of Social Sciences, Makerere University, P.O. Box 7062, Kampala, Uganda.

Physical address: Department of Social Work and Social Administration, School of Social Sciences Building, Makerere University, Main Campus. Tel: Office: +256 414 534 114; Mobile: 0772 462 100; Email: pbukuluki@gmail.com.

Or, you may contact the **Chairperson, School of Health Sciences Institutional Review Board** (MakSHS-IRB) or **Uganda National Council of Sciences and Technology**. Tel: (+256) 0200903786 / (+256) 772-404970 or (+256) 41-250431.

Policymaker/Practitioner Interview Consent Form

SIGNED INFORMED CONSENT – Policymaker/Practitioner Interview

Study Title: Policy and Practice Affecting Women's Health

Introduction: You are being asked to be part of a research study. If you agree, you will be asked to share your opinions about violence against women, laws about violence against women, and what kinds of things you think would help reduce violence against women. You have been selected because you seem like someone who will share your opinions with us honestly OR because someone suggested we talk with you because you will share your opinions with us honestly. This form explains the study. We ask that you read this form or have the study staff person read it to you. Then you may ask any questions you have before agreeing to be in the study.

Background Information: This study is being conducted by Diane Gardsbane, a student at the University of Maryland, in the USA. She is working in collaboration with Paul Bukuluki, Lecturer at Makerere University. The study is concerned with how laws, prevention messages, and services addressing violence against women are developed and implemented. We are particularly interested in learning about ways that different people have been able to influence how these laws, services, and messages have been developed; whether people have benefited from these laws, services, and messages; and in what ways they have benefited. The purpose of the study is to learn how governments, donors, and civil society might improve the way they develop and implement these policies and services.

What you would be asked to do:

If you agree to participate in the study, you will be asked to do the following things:

- We would interview you for 45 minutes to an hour. We will ask some questions, but you do not have to answer all the questions – you can say that you don't want to ask specific questions. You will not be pressured to answer questions, and there will not be any negative consequences if you don't answer all the questions.
- We would ask you questions about your role in developing the Domestic Violence Act and/or prevention messages or services related to domestic violence; your opinion about the DV Act and its implementation; and other opinions relating to violence against women. For example:
 - What was/is your role in terms of developing and/or implementing the Domestic Violence Act?
 - What can you tell me about the Act and what you believe it is intended to achieve?

We will interview you in a private place. This can be at your home, your work place, or in another place we agree on.

If you agree, we would like to audio-record the interview. This recording is only for the purpose of ensuring that what you say is recorded accurately. When we write the notes from the recording, we will not use your name or include any other information that would identify you. Once the notes are complete the audio recording will be destroyed.

Risks and Benefits to Being in the Study:

We will be asking you questions that deal with violence against women. You may feel uncomfortable talking about some of these topics. However, we do not wish this to happen and we will do all we can to make you feel comfortable. As we said earlier, you do not have to answer all the questions we ask – and you can stop the interview process at any time you want.

You will not benefit from this study yourself, although you might enjoy the opportunity to share your opinion about these topics. The study will inform the work of policy makers and practitioners in Uganda and other countries.

We can also provide you with information about the Domestic Violence Act and services for domestic violence if you are interested.

You will not be paid for participating in this study. However, we will pay for any costs for transportation for you to participate. We will also provide some light refreshments to you during the interview(s).

Confidentiality:

The records from the interview with you will be kept private. Your name will not be included anywhere and no one will be able to identify you from anything we write. Our records with your name will be kept in a locked file that only the primary investigator will have access to. We will assign a number to any of the information kept in files that others researchers can see. Any information we use in what we write will use a name we make up, unless we specifically ask you for permission to use your name.

If you sign this consent form, it will be kept for three years. After that it will be destroyed.

Voluntary Participation:

Your participation is voluntary. You can stop participating at any time and there will be no negative consequences if you decide to stop.

Contacts and Questions:

The main researcher for this study is Diane Gardsbane. You may ask her any questions you have now, or you may contact her, or Paul Bukuluki, who is collaborating with her, at any time. You may also contact an independent source of information. Contact information is provided below.

Diane Gardsbane, PhD Candidate, University of Maryland, USA.
In Kampala, Uganda: Mobile: +256 793 441 653 or +256 784 950 728; Email:
dgardsbane@gmail.com.

Paul Bukuluki, PhD, Senior Lecturer, School of Social Sciences, Makerere University,
P.O. Box 7062, Kampala, Uganda. Physical address: Department of Social Work and
Social Administration, School of Social Sciences Building, Makerere University, Main
Campus. Tel: Office: +256 414 534 114; Mobile: 0772 462 100; Email:
pbukuluki@gmail.com.

Or, you may contact the **Chairperson, School of Health Sciences Institutional Review
Board (MakSHS-IRB)** or **Uganda National Council of Sciences and Technology**. Tel:
(+256) 0200903786 / (+256) 772-404970 or (+256) 41-250431.

STATEMENT OF CONSENT

I have read the above information or had it read to me and I understand what it says. My
questions have been answered. I consent to participate in this research. I am at least 18
years of age.

I have been given a copy of this consent form.

Please circle your response:

I AGREE / DO NOT AGREE to have the interview audio-recorded.

If applicable please circle your response:

I AGREE / DO NOT AGREE that my photo can be used as part of this research project.

If my picture is used, I AGREE / DO NOT AGREE that my name or other identifying
information, such as where I live, can be used.

Print Name of Participant:.....
Signature of Participant
Date (DD/MM/YY).....

Oral Consent for Participant-Observation/Informal Interviewing

Hello. My name is Diane Gardsbane. This is _____ (*interpreter's name*). I am conducting research in Uganda about policies and services that are related to violence against women. I would like your permission to talk with you and write down/record some of what you say. I will not use your name in any records that other people might see, or include anything that would reveal your identity. Talking with me is completely voluntary (your choice). If you do not want me to use anything you say (or have said), you can just tell me and I will respect your request. But, your experiences could be very helpful to other women in Uganda, and in other parts of the world. I hope that things I learn will help those people who are working to make laws and services for women affected by violence do a better job. Do I have permission to use what you tell me in my research? Would you like any information from me in writing about the study or about laws or services for people concerned about violence against women?

Name: _____ Place: _____ Date: _____

Consent: Yes / No

Appendix V: Uganda – Country Overview

Based primarily on secondary sources, this section provides some background information about Uganda that provides further context for gender-related policy and practice.

By the mid-1800s trade in ivory, guns and slaves; explorers; Christianity; and, Islam had begun to infiltrate the geographically well-situated Uganda. Although the country is landlocked, its location on the equator, with plentiful rainfall, moderate climate, and fertile land provided a hospitable climate for both the Bantu-speaking agricultural groups living in the south, and the primarily Nilotic-speaking, but also Central Sudanic-speaking pastoralists, living mostly in the northern parts of the country.

The geo-political borders of present-day Uganda were constructed through a series of imperialistic treaties and agreements between Britain and the diverse kingdoms and non-kingdom groups that later comprised the British Protectorate of Uganda. Colonial rule within Uganda served to exacerbate pre-existing inequalities based on ethnicity, gender, religion, socio-economic status, education, and other differences, as well as create new ones (Tamale 1999; Tripp 2000). As in other countries within Africa, the British overlaid colonial law onto customary law; imported Christianity to subvert traditional religious beliefs and practices; imposed Victorian values that had Western currency at the onset of colonialism; promoted a capitalist economy that replaced a subsistence economy; and, rendered the country dependent on foreign investor interests (Mukherjee 1985; Tamale 1999).

the British influenced to mimic the social structure of the Baganda [cite]. The already-existing distinctions between ethnic groups were accentuated through a system of decentralized political rule with the Buganda Kingdom exercising unique administrative power throughout the Protectorate. A newspaper retrospective during the 50 years of independence celebrations in 2012 noted the significance of the 1900 Agreement stating (Monitor Reporter 2012): “*The question of Buganda’s place in a wider Uganda would remain at the heart of political contests in the country and, some would argue, continues to manifest itself in Uganda’s contemporary politics.*” Above, Figure 33 shows the boundaries of major kingdoms and other groups in 1926,⁸⁴ while Figure 34, shows the major language groups of the 65 different indigenous communities (Uganda Law Reform Commission 2006a) and their ethnolinguistic classification, which is primarily Bantu, Central Sudanic, and Nilotic, with a small group of Kuliak speaking people.⁸⁵

Sylvia Tamale, a feminist sociologist and legal scholar who teaches at Makerere University, School of Law, is the author of a seminal book on the role of women in politics in Uganda (1999), as well as other publications on related topics. She argues that women played far more significant roles in politics within the Buganda Kingdom during pre-colonial times than has been documented, and that the division of labor based on sex that existed was complimentary rather than hierarchical, notwithstanding the patriarchy and gender inequality that indeed existed (1999:6-7). These existing inequalities, while

⁸⁴ This map was developed and released into the public domain on Wikipedia. Accessed 9/26/15 at https://en.wikipedia.org/wiki/File:Uganda_Protectorate_British_administration.png#filehistory.

⁸⁵ This image was created by Mark Dingemanse, PhD and released under the Creative Commons Attribution 2.5 license. Accessed 9/26/15 at: https://commons.wikimedia.org/wiki/File:Languages_of_Uganda.png. Sources for the map include: Gordon, Raymond G., Jr. (ed.), 2005. *Ethnologue: Languages of the World*, Fifteenth edition. Dallas, Tex.: SIL International. Online version: <http://www.ethnologue.com/> and Ladefoged, Peter; Ruth Glick; Clive Criper; Clifford H. Prator; Livingstone Walusimbi (1972) *Language in Uganda* (Ford Foundation language surveys vol. 1). London/New York etc. Oxford University Press. [ISBN 0-19-436101-2](https://doi.org/10.1017/CBO9780511524444)

based on traditional structures and practices, were institutionalized in ways that had not been present prior to colonialism. Tamale points out that the relative appropriation of women's, versus men's, labor to the domestic sphere was increased with the advent of capitalism, which engaged men, but not women, in a wage economy, affecting women by lowering their status, and creating a distinct separation between public and private spaces where before gendered roles were "blurred" (1999:8-9).

In the same way that labor practices predicted women's status, formal education during the colonial period was in support of this division of labor – preparing select boys to take on leadership of the country post-independence and preparing select girls for marriage, family, and roles in the church. Tamale argues that the Western constructs imposed by the education system during these years fundamentally altered customary gendered relationships in Uganda (1999). Aili Mari Tripp is a professor of political science, gender and women studies, and well-known and prolific scholar of women and politics in Uganda. She notes that the elite boarding schools that opened for girls also provided leadership skills that young women began using as members and leaders of growing numbers of women's associations, particularly by the 1940s and 1950s – including church auxiliary groups, scouting groups and voluntary associations focused on a host of civic issues (Tripp 2000:34-36).

According to Tamale "*the watershed for the contemporary women's movement in Uganda*" was the founding of the Uganda Council of Women (UCW) in 1947 in response to a young widow's need for advocacy when her matrimonial property was being given to a son her husband had with another woman outside of marriage (1999:9). A decade later the UCW had a larger and more diverse membership; and was engaged in a range of

women's rights issues, particularly relating to marriage and property rights. Among other things, the UCW is credited with initiating the registration of customary marriages (Tripp 2000). By the 1950s the UCW, along with the Uganda African Women's League (UAWL), were working to ensure women's participation in politics – promoting women as nominated members of the colonial Legislative Council (1950s) and later as elected members of the *Lukiiko* (the Buganda parliament) and the East African Legislative Assembly (Tamale 1999:9-10; Tripp 2000:36-40). In 1960 the UCW held a conference on women's land and property rights and in 1963 sent delegates to the organization's international conference in Washington, DC. In 1964 UCW participated in the All Africa Women's Conference in Liberia (Tamale 1999:10-11). These opportunities began the ongoing dialogue that national activists, comprised primarily of elite, well-educated Ugandan women, began having with other activists – in the region, the continent, and across the globe.

At the same time, numerous political parties were forming in the 1950s - primarily along ethnic, religious and “crony” lines (often young men who were students together) - giving rise to the patronage politics that still exist today and which have traditionally served to challenge the inclusion of women (Goetz 1998:244; Tamale 1999:13-14; Tripp 2010). The Baganda opposed an independence that would threaten its semi-autonomous status, while, according to one historical rendering, the only thing that unified other factions was the determination not to be ruled by the Baganda. Thus, the Uganda People's Congress, a coalition of distinct groups, was comprised of “*all those outside the Roman Catholic-dominated DP who opposed Buganda hegemony*” (Rowe 1992:18-20). Women had advocated for, and attained suffrage in 1961, with little

opposition, and women turned out to vote; however, it was not as easy to achieve representation within the National Assembly and there were no female parliamentarians until 1986 (Tripp 2000:39).

Resolution to the “*Buganda problem*” was an agreement that the Kabaka (king) of the Baganda, Sir Edward Mutesa II, would serve as the ceremonial President, while a Prime Minister would be the elected leader. Milton Obote, a Lango from the north, who founded the UPC and served as opposition leader, won the first national election for prime minister in 1962. In 1966, Obote staged a coup d’etat and eliminated the colonial-imposed roles of all monarchs, abolished multiple parties, assumed presidency, and for the next several years he ruled the country primarily through a one-party government (Tamale 1999). Obote did little that was proactive to support women, although women gained rights relating to employment and to vote (1962 constitution) during his tenure. In addition, a new organization, the Uganda Association of Women’s Organizations (UAWO) was formed in connection with Miria Obote, the President’s wife. However, according to Tripp, the UAWO was “*a quasi-wing of the UPC*” and this lack of autonomy meant it took less of an advocacy position for women’s rights (2000:48).

In 1971, Idi Amin Dada, a general in Obote’s national army, overthrew Obote’s government in a violent coup. He bolstered his army with ethnically related allies; renewed his ties to Islam; aligned himself with Libya; expelled first Israelis, and then the approximately 50,000 Asians in Uganda, destroying their businesses along the way; and wreaked terror across the country for the next eight years. An estimated 300,000 people died during his rule (Rowe 1992), and women were systematically raped and used as sex slaves. Amin shut down all existing women’s organizations, and in their place he formed

the National Council of Women (NCW) as a parastatal organization that presumably would be an umbrella for independent women's groups – although all other groups had been banned. Tripp reports that some women's groups became dormant, while others continued to operate underground (2000:49-51). Tamale notes the following (1999:15):

Operating as a bureau under the insignificant Ministry of Community Development, NCW was relegated to a very lowly status. Nevertheless, it kept the embers of women's struggles smoldering until 1986, when the government stranglehold on NGOs was removed.

Keeping up appearances, Amin sent a delegation to the first UN World Conference on Women in Mexico City in 1975, although the women he sent were not activists or particularly knowledgeable on the women's agenda (Decker 2014).

The Tanzanian government supported a meeting of civilian and military groups to plan an overthrow of Amin's government with a new party – the Uganda National Liberation Front (UNLF), which formed with an academic at its head. The interim government overthrew Amin in April 1979. A series of short-term leaders took power over Uganda until Milton Obote was returned to power in December 1980, through a general election that was marred with considerable evidence of coercion and violence by Obote's party. During what is known as the Obote II reign even more terror was inflicted on the country with estimates of 500,000 deaths from 1981 to 1985 (Rowe 1992).

Obote was overthrown by his own forces in 1985, and Yoweri Museveni, who had led a guerilla resistance movement – the National Resistance Army/Movement (NRM/A) - against Obote since 1981, came in just after to take over power. This started a new era of Ugandan politics. According to Tripp (2010:1-2):

When Yoweri Museveni's National Resistance Army (NRA) marched into Kampala, residents were surprised to discover that there was no looting, as there

had been with previous armies. The NRA, governed by a strict code of conduct, was strikingly disciplined. ...After two decades of turmoil under the Amin and Obote governments, Museveni's takeover in January 1986 was seen by many Ugandans as a much-needed respite from chaos.

A history of the Uganda Women's Network (UWONET) notes the significance of the UN Women's Conference in Nairobi in 1985, which was inspiring even for those who did not attend. An excerpt from the history states the following (UWONET 2014b):

The Nairobi conference had demonstrated the fact that the real energy, innovation and drive for gender transformation and change came, not from the official deliberations of governments, but from the women's movement. In Nairobi, women had forced the UN to open up space for civil society/non-governmental organizations to engage with the issues concerning women as parallel sessions to those of governments and for them to make specific inputs into official deliberations and resolution.

This opening up of space at the global level for the greater involvement of civil society/non-governmental organizations in official UN processes inspired Ugandan women because it not only made it possible for us to mobilize and organize as autonomous women's civil society organizations, but also to engage and hold government and official mechanisms accountable for women to the declarations they make at the global level and their commitments to women. UWONET's identity as a gender activist and policy advocacy network was largely informed by this context and the opportunities it presented.

ACFODE – Action for Development, a national NGO that has been instrumental in both sexual and GBV and women's leadership work, was founded in 1985 after founders were not able to attend the Nairobi conference because of national politics.

The timing of Museveni coming into power was opportune for women, while Museveni, who saw the opportunity to use women's rights as a platform, adopted his own brand of Foucauldian power dynamics. In keeping with what Tripp describes as a “*hybrid regime*,” Museveni took on gender equality and women's empowerment as center pieces of his early reign, all the while ensuring, consciously or unconsciously, that structural

patriarchy continued to discipline women's agency. Tripp describes a "*hybrid regime*," as follows (2010:1):

Their leaders adopt the trappings of democracy, yet they pervert democracy – sometimes through patronage and largess, other times through violence and repression – for the sole purpose of remaining in power. ...Hybrid regimes embody two divergent impulses: they promote civil rights and political liberties, and yet they unpredictably curtail those same rights and liberties.

From the late 1980s, through the 1990s, Uganda gained a reputation as "progressive" on women's rights (Tripp 2010). The 1995 Constitution, in particular, includes specific language ensuring women's rights and gender equality. These are the following:

Article 22: All persons are equal before and under the law ...[a] person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

Article 31 protects girls and women from early and forced marriage, and provides rights to property and custody of children to widows and widowers. At the same time it prohibits marriage between persons of the same sex.

Article 32 provides additional protection to "disadvantaged groups," established the Equal Opportunities Commission, and provides for affirmative action for groups traditionally disadvantaged.

Article 33 specifically addresses the rights and equal opportunities of women and reiterates the provision of affirmative action "for the purpose of redressing the imbalances created by history, tradition or custom.

Affirmative action policies have given women an educational advantage for entering institutions of higher learning, as well as policy-making leadership positions within local and national government institutions. In addition, President Museveni launched an aggressive campaign in response to the HIV/AIDS epidemic; he put into place a plan for local government; and, he was committed to economic growth (Tripp 2010).

However, in 2014 most activists recognize Museveni's government as one that controls the extent to which women can attain true gender equality.

Appendix VI: Human Rights Treaties and Agreements

Uganda became member state of the UN in 1962

| Human Rights Treaties Ratified or Acceded To | Uganda Signed | Relevancy |
|---|----------------------|--|
| Universal Declaration of Human Rights, 1948 | 1962 | “Everyone has the right to life, liberty and security of person.” |
| Convention on the Elimination of All Forms of Racial Discrimination, 1969 | 1980 | |
| Convention on the Elimination of All Forms of Discrimination Against Women | 1985 | General recommendation 19 specifies that GBV is form of discrimination |
| Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment | 1987 | |
| International Covenant on Economic, Social and Cultural Rights | 1987 | right to equal protection under the law, and the right to the highest standard of physical and mental health |
| International Covenant on Civil and Political Rights, 1966, and Optional Protocol, 1976 | 1995 | protects the right to life and the right to liberty and security of person |
| Convention on the Rights of the Child, and Optional Protocols | 1990 | |
| International Convention on the Rights of Migrant Workers and All Members of their Family | 1995 | |
| Convention on the Rights of Persons with Disability, and Optional Protocol | 2008 | |
| Global Agreements Signed | | |
| Declaration on the Elimination of Violence Against Women | 1993 | identifies VAW as a violation of women’s human rights and provides guidance and recommendations to countries to address its occurrence. |
| Cairo Programme of Action | 1994 | focused attention on women’s reproductive and sexual health and rights, as well as addressing harmful practices, such as female genital mutilation |
| Africa Regional Agreements | | |
| African Charter on Human and Peoples’ Rights (the African Charter) | 1981 | broadly framed discrimination based on sex and calls on countries to ensure the protection of individual rights in |

| | | |
|---|---|--|
| | | keeping with international human rights treaties and conventions. |
| Maputo Protocol | 2010 (as 28 th state) Drafted 1999; in effect in 2005 | elimination of harmful practices' protections in marriage, divorce, and separation; protections against widows and inheritance rights; and safeguards for women with additional disadvantages such as women with disabilities. |
| Uganda has not ratified | | |
| International Convention for the Protection of All Persons from Enforced Disappearances | | |
| CEDAW Optional protocol | | provides for an inquiry and complaint procedure (for individuals), and strengthens government accountability for requirements under the Convention |
| Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment Optional Protocol II | | |
| ICCPR Optional Protocol II | | abolishes the death penalty |

Appendix VII: Use of the DVA in Courts

Part of my research focused on understanding to what degree the DVA was affecting how service providers and duty bearers provided services to women to support their needs, including their access to justice. The Act was still new, and trainings within Kawempe Division, and Kampala at large, were ongoing to train multi-sectoral actors at national and local levels about how to utilize the Act, and how to engage with women from a gender-sensitive perspective. CEDOVIP, in collaboration with other government, non-government, and UN actors, including the MGLSD, Uganda Police, UWONET, PLAN, UWOPA, UNFPA, and others, was responsible for a large amount of the training, using the SASA! approach, although other organizations also sponsored training.

According to Honorable Justice David Batema, a high court judge in Uganda who does extensive training on gender sensitive legislation, the DVA presents a learning curve for the justice sector, which has been accustomed to using the Penal Code Act that focuses on criminal justice; whereas, the DVA provides different types of options towards justice, including compensation and reconciliation. In criminal cases files move from police, with charges indicated, to the area court's Resident State Attorney (RSA), within the Directorate of Public Prosecutions (DPP). The RSA reviews files from police and determines whether the case should go forward and with what charge. In general, for any kind of assault, including domestic violence, the Penal Code Act (PCA) has been used for a long time and RSAs, as well as magistrates, feel it provides good criminal sanctions, and some contend, even after being trained on the DVA that it is best to use both Acts, rather than one or the other.

Central statistics relating to the use of the DVA by police or courts do not yet exist. Efforts to standardize data being recorded and collected are ongoing and include various efforts by NGOs in specific districts, including a CEDOVIP project that was distributing log books to LC1s and courts in districts that included Kyegwelede in 2014. The MGLSD was developing a centralized data base to capture data electronically from a range of service providers and duty bearers.

The only way to find out to what extent the DVA is being used by duty-bearers named under the Act (LC1, police, family and children's courts, and magistrate courts), and what kinds of resolutions and penalties are being used, was to review their handwritten log books. I reviewed the CEDOVIP-provided log book for the local LC, which had been in use for several months, as well as the general case registry for the same LC; and, the court registries for the year 2014 at the two courts that would hear cases for women in my area. I did not review police logs.

Under the DVA, the LC is a central source of not just for reporting, but for mediation and counseling, hearing of complaints, issuing judgments, and, providing referrals. However, many communities do not have fully functioning LCs. In my community, the LC1 explained to me that because there have not been elections in such a long time, many positions are open and there is no longer the required quorum to function as a court. They can handle administrative matters, and in this capacity he does mediate domestic and community disputes, but he cannot convene a true court.

I reviewed the Local Council log book for May through December 2014 that had been issued by CEDOVIP to try to track how LCs are handling DV cases. I found 17 cases involving VAW that had sufficient information to understand. Of these, 4 included

accusations of forced sex. Several involved issues around the husband having relationships with other women and all included either severe physical violence or economic violence including lack of support and/or interfering with a woman's income generation. Of these cases:

- 3 were not followed up because the complainants did not return;
- 4 were referred to police,
- 1 was referred to a *ssenga*, and
- 9 had some level of mediation, or intended mediation, by a member of the LC.

A limitation of data for the Magistrate Courts is the inability to determine whether a case using the DVA concerned an intimate partner, or someone else, given the DVA covers a range of persons, including domestic help and employees who do or do not live with the accused perpetrator. Nonetheless, the data provides some insights.

At Court A, which had the most complete records, I reviewed the family, civil, and criminal registries for 2014, 15 criminal cases used the DVA in 2014 and all were dated June 2014 or after. Of the 15 accused 13 were male, and two men were charged with the same offense and that case was stayed. Of the 11 remaining cases against male perpetrators:

- 4 had not been heard
- 5 used reconciliation and were dismissed
- 1 was "discharged"
- 1 was sentenced to 3 months of community service

In four of these cases, the defendant was also being charged under the Penal Code Act for assault. This highlights the notion that the Resident State Attorneys, who in most cases assess whether a case can be charged and under what law, and others who influence charges, do not feel that the DVA has sufficient penalties to use it alone. I briefly spoke with the one of the magistrates at this court who told me that she had attended a training on the DVA sponsored by DANIDA in March 2014. Prior to that training she said that she had heard of the DVA but did not really understand it.

Of the 13 accused 12 were male, and two men were charged with the same offense and this case was “stayed”. Of the 11 remaining cases, five utilized reconciliation. For six of the 12 cases, the Penal Code Act was also utilized, with 5 of these for assault. This highlights the notion that RSAs, and others who influence charges, do not feel that the DVA has sufficient penalties to use it alone.

Civil cases had less information in the log book, however, for 2014 there were four cases that possibly utilized the protection order aspect of the DVA, although there was not enough information to know.

The family court registrar at Court A had 77 cases relating to “custody and/or maintenance” in 2014. Three of these cases noted a protection or restraining order in addition to custody or maintenance and one case focused on a restraining order only. Almost half (44%) of the cases did not have any resolution noted, which a clerk said could mean they had not yet been resolved, even though some were almost a year old when I was gathering the information in early 2015. It is more likely that the cases were never heard either because the claimant or respondent, or both, did not appear in court on

the assigned date. Almost a quarter of the cases (23%) were dismissed. Some kind of ruling was made in not quite a third of the cases (28%).

At Court B, I was able to review the criminal and family court cases. The records at this court were far less complete. I made brief notes about 128 cases in the log for 2014 that dealt with a range of types of assault, violence, attempted rape, and defilement. All were charged using the Penal Code, and none included mention of the DVA. More than a third (44) were a form of “defilement” case. Of the 128 cases I recorded, only 9 had a “result” indicated. When I queried this, one clerk said that the cases were still “in process,” while another said the records were not complete.⁸⁶

I scanned, rather than counted, the custody and maintenance cases in the family court log. Only two cases, one in October and one in December, included applications for protection orders, and again, there is no way to know if these are DV related. Neither indicated if any action was taken.

While I did not review any of the police logs, because there is a separate Child and Family Protection Unit, there are many more cases recorded, and better systems are in place to assess use of the DVA. A fact finding team of women parliamentarians was conducted in May 2013 in Kampala District, which includes Kawempe Division, to determine implementation by duty bearers, including LCs, police, magistrate courts, and the general public. Among their findings was that the police had the highest awareness of the DVA and they commended the Child and Family Protection Unit (CFPU) officers for their use of the Act.

⁸⁶ An unrelated, but interesting entry in the criminal log, made on August 11, 2014, charged a male with “aiding and abetting homosexuality C/S 7 of AHA [anti-homosexuality act],” even though the Act had not been implemented prior to its annulment on August 1, 2014 by Uganda’s Constitutional Court.

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